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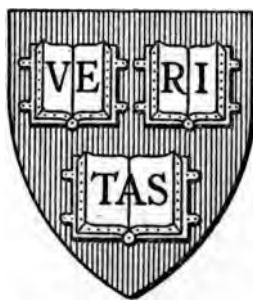
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Bismarck-Schönhausen.—Speeches...

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THE
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SPEECHES OF COUNT BISMARCK-
IN THE
UPPER HOUSE AND THE CHAMBER OF DEPUTIES OF THE PARLIAMENT
ON
JANUARY 29, AND FEBRUARY 13, 1869:
IN THE
DEBATE ON THE BILL FOR SEQUESTERING THE PROPERTY
OF THE
EX-KING OF HANOVER.

PRECEDED BY A BRIEF OUTLINE OF THE NEGOTIATIONS
BETWEEN
THE EX-KING AND THE CROWN OF PRUSSIA.
—

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The Convention of 29th September 1867 on the subject of the Compensation of 16,000,000 thalers accorded to George, ex-King of Hanover; the proceedings on the same subject in the Prussian Parliament; and the legislative acts which were enacted in consequence.

A FEW days previous to the occupation of Hanover by the Prussian troops, King George had ordered the contents of the Hanoverian treasury and the Clausthal Tithe-Fund to be removed to England. The objects of value deposited in these public establishments consisted partly of cash amounting to 1,743,897 thls. 9 gr. 3 pf. and partly of interest-bearing papers payable to the bearer, representing a sum of 18,634,179 thls. 25 gr. 5 pf. (including 1,438,889 thls. payable in gold) and 800,000 florins. Among these effects transported to England, there was not only much that was the undoubted property of the country, but likewise valuable papers belonging to private persons, which had been deposited by them as security for loans made them out of the Treasury or the State Domains' Fund. These papers covered a sum of more than 2,000,000 thls.

In order to protect the public property of Hanover, as well as to guard private individuals from loss, the Prussian Government, in an official announcement of 11th Aug. 1866, made known the amount of the cash and interest-bearing paper withdrawn

from the Treasury and the State Domains' Fund and removed to England. At the same time it ordered a special catalogue of these securities to be drawn up, to warn the public against purchasing them, and declared explicitly that for the present neither the interest nor the capital of the matured bonds would be paid. On the 13th Dec. 1866, a royal ordinance was issued which pronounced null and void all the Hanoverian papers mentioned in the catalogue, with their coupons and counterfoils, which, though the property of the State, had been taken out of the Treasury; and likewise provided that new documents of the same nominal value, and enjoying the same rights, should be issued instead. Having thus safeguarded the interests of the country, the Prussian Government next took the requisite steps to protect those private individuals whom the proceedings of King George had aggrieved, and for this purpose decreed a preliminary seizure of the private property of the ex-King, till he had restored the papers carried off to England.

The result of this measure was that King George declared his willingness to give up the valuable papers transferred to England, in case the Prussian Government accorded him an indemnity. The negotiations on this subject led to the Convention of 29th Sept. 1867, which secured to King George a compensation of 16 millions of thalers. After the delivery of the papers in question to the Government, a few months later, the temporary sequestration of the private fortune of King George was annulled and by a farther ordinance of the Minister of Finance on the 6th Jan. 1868, the former prohibition of payment of the interest and matured capital was recalled.

The text of the Convention of 29th Sept. 1867,
was as follows: —

His Majesty the King of Prussia and his Majesty King George V. with a view to further negotiations on the subject of an arrangement concerning the situation of the property of his Majesty King George V., have appointed as plenipotentiaries:

His Majesty the King of Prussia:
His Majesty's Privy Counsellor of Legation, König
and
His Majesty's Privy Superior Counsellor of Finance,
Wollny; and

His Majesty King George V.:
the former Minister of State, Windthorst;
who, after exchanging their credentials, found to be in due form, have agreed on the following Convention, subject to the ratification of their respective Majesties:

§ 1. His Majesty King George V. shall retain possession of:

- I. His castle of Herrenhausen and appurtenances;
- II. The domain of Calenberg; the latter in consideration of a suitable equivalent.

Both these possessions, however, shall be subjected to Prussian administration till such times as his Majesty King George V. shall have expressly renounced the Hanoverian crown for himself and his heirs.

§ 2. His Majesty King George V. shall continue in possession of the £600,000 in the English 3 per cent stocks, together with all interest payable on the same.

§ 3. All other royal castles, gardens and buildings for the use of the Court, as well as all lands, whether

appertaining to the private property of his Majesty King George V. or to the entail of the Royal House of Hanover, shall be placed at the disposal of the Prussian Crown.

§ 4. As an indemnity for the revenues not covered by the provisions of paragraphs 1 and 2, which his Majesty King George V. has hitherto derived from domains and forests, as well as from his rights as supreme feudal lord, from reverted fiefs and the Fiefs' Allodification Fund, and likewise as compensation for castles, gardens and all other landed property, the Prussian Crown shall accord his Majesty King George V. the sum of eleven millions of thalers, current money, in 4½ per cent Prussian consols, computed by the nominal value of the paper; and over and above, five millions of thalers paid in cash.

As special arrangements for the fixation of this compensatory payment have been thought necessary by the Prussian Crown, regarding which an understanding has not yet been obtained, negotiations shall be opened at once between representatives named by the Prussian Crown and the parties interested, as to how the fixation of the eleven millions of thalers in papers of value and of the five millions in cash, the latter both in the sum which the Prussian Crown is to grant in accordance with the charges allowed in § 9, and also in the amount which it is reserved to place to the account of his Majesty, King George V. is to be obtained.

Till these negotiations have led to a definitive agreement, the papers of value and cash, before mentioned, shall be deposited in the hands of the Prussian Crown. The amount in money, however, shall be invested by mutual agreement in Government bonds

or other good interest-bearing securities, and the interest accruing from the entire deposit shall be paid every half-year to his Majesty King George.

§ 5. All the members of the Royal Family of Hanover shall be exempted from income-tax and from house-tax, so far as they have been so heretofore.

§ 6. His Majesty the King of Prussia undertakes:

I. The payment of the pensions contained in the accompanying list, chargeable to the Crown Fund, the Fiefs' Fund and the Fiefs' Allodification Fund, annuities and other allowances, so far as they can be certified by written proofs, from 1st July 1866; likewise

II. The payment of such pensions (to be estimated according to the Hanoverian law of 24th June 1858, on pensions and remunerations) as his Majesty King George V. has already granted to his servants entered on the list, or which he may grant till his Majesty's Court has been reconstructed.

His Majesty the King of Prussia, however, reserves the right of providing for these servants in such a way that they shall be employed in offices corresponding to their former sphere of activity, in which case the above-mentioned Hanoverian law of 24th June 1858 will be decisive regarding the complete or partial withdrawal of pensions and remunerations. However, the employment of the highest officers of the Hanoverian household in the service of his Prussian Majesty and the nobility who held charges at the Hanoverian Court, as also the personal servants of the Royal Family, can be required only in so far as such officers or servants voluntarily accede to it.

His Majesty the King of Prussia also undertakes to pay the pensions of such persons who by written

certificates from the proper authorities can prove their claims, either by reason of being incapacitated for continuing their services, or by virtue of a contract, to receive support from the Pension and Concert Fund of the Theatre Royal in Hanover; in consideration of which these funds shall pass to the Prussian Crown, to be applied by it to their original destination.

§ 7. His Majesty King George V. shall retain: —

- I. His rights as patron of Christ Church, built by his Majesty in Hanover, with pews in the same.
- II. The royal burial-vaults in the Castle Churches of Hanover, Celle and Herzberg.
- III. The entire movable goods and chattels contained in all the royal castles, gardens and buildings, erected for the royal household, and consequently likewise the contents of such castles, gardens and buildings as have not been reserved for the same, in so far as such are not the undisputed property of the State.

Among the objects of which his Majesty King George V. shall retain possession are the following: —

- a. The collections marked 1 — 12 in the draft 3 ad.
- b. All furniture and inventories of objects appertaining to the royal household, with the sole exception of the inventories of the Theatre Royal in Hanover.
- c. The silver utensils (the so-called Plate Room) and all articles of silver.
- d. The entire collection of jewels.
- e. All papers and documents having reference to the Royal House or to the possessions they are to retain, and which shall be segregated by plenipotentiaries to be appointed on both sides.

His Majesty King George V. shall also continue to possess:

- IV. The ancient princely allodium of Brunswick-Luneburg, in common with his Highness, the Duke of Brunswick.
- V. The property mentioned in § 12. of the royal Hanoverian law of 24th March 1857, providing for the introduction of a new financial chapter in the Constitution, and known as the Royal Privy Purse, together with the so-called small English purse, which is connected with it.
- VI. The royal Ernst-Augustus entail, consisting of capital, jewels, silver utensils, objects of art, &c.
- VII. All movable objects acquired by his Majesty King George V. before and after his accession, and paid for out of his private means, the civil list included, as well as all cash and papers of value in his Majesty's greater and lesser privy purse (*Hand- und Schatullenkasse*).

§ 8. Her Majesty Queen Mary, and their Royal Highnesses the Crown-Prince Ernest Augustus, and the Princesses Frederica and Mary shall, as a matter of course, retain their entire private property, which, with the exception of the castle Marienburg, with its appurtenances, belonging to her Majesty the Queen, consists entirely of chattels and capital.

§ 9. Within four weeks of the ratification of this Convention the Government of his Prussian Majesty shall annul the seizure made of a part of the above-mentioned property; on the other hand, all obligations and cash which have been taken out of Hanoverian funds or public depositories, and especially those belonging to the Domains' Redemption and Alienation Fund, the Capital Fund, the Reserve Fund of the Clausthal Tithe Fund, as well as to the Fiefs' Fund and Fiefs' Allodification Fund. It is also reserved that the sums removed in money, and amounts

obtained in London in consideration of the restoration of obligations, shall be taken into account in the payment of the five millions which, according to §. 4, his Majesty King George V. is to receive.

His Majesty King George undertakes to guarantee the Prussian treasury against all claims which may be made by depositors of papers which it has as yet not been possible to return.

§. 10. The date at which the stipulations agreed on in this Convention shall commence to be put in execution is to be the 1st July 1866.

His Majesty King George V. shall consequently till the above-named day continue to enjoy all revenues accruing to him from domains and forests, as also from the Fiefs' Fund and the Fiefs' Allodification Fund. On the other hand all outlay payable out of these revenues shall be chargeable to his Majesty; but from the 1st July 1866 forward the Prussian Crown shall defray this expenditure in so far as it is bound to do so by the terms of this Convention.

From the same date on, the interest of the capital of the eleven millions of thalers mentioned §. 4, shall be placed at the disposal of his Majesty King George, and also the interest at 3 per cent. of the five millions of thalers spoken of in the same paragraph.

On the other hand all interest received by agents of King George on the obligations mentioned in §. 9 as having been transported to England, and in like manner the interest derived from the investment of the cash removed to England and mentioned in the same place, shall be regarded as the property of the Prussian Crown.

An adjustment of the claims to be paid by either of the contracting parties, in consequence of these

stipulations, shall be effected immediately after the ratification of this Convention by plenipotentiaries, and payment of the amount fixed shall then be made without delay.

§. 11. The objects enumerated in §§. 1, 2 and 4 are and shall remain integral parts of the inalienable entail of the entire House of Brunswick-Lüneburg, to which they have hitherto belonged. The entire legal relations of this entail shall also remain in force with regard to the objects therein indicated and named. More especially, the succession to the same shall take place as before on the principle of indivisibility and primogeniture, and according to the order of succession in the entire House of Brunswick-Lüneburg, as fixed in chapter IV. §§. 1—5 of the Family Law of 19th Nov. 1856.

In the same way the objects specified in §. 7, in so far as they are not exempt from entail, are subjected to all the regulations laid down in such cases.

§. 12. This Convention shall be ratified and the ratifications shall be exchanged within four weeks in Berlin.

Done at Berlin, 29th Sept. 1867.

(L. S.) Bernhard König.

(L. S.) Rudolph Wollny.

(L. S.) Windthorst.

The point of view adopted by the Prussian Government in the negotiations with King George, is clearly stated in the *Memorial on the Administration of the law of the 28th September 1866, respecting the extraordinary expenses of the army and navy and the dotation of the treasury*. This memorial was submitted to the Landtag (Parliament) by the Authorization of his Majesty dated 20th Nov. 1867. The passages referred to are:

"The political principle which has guided the negotiations concerning the property of King George and Adolphus duke of Nassau has been, that Prussia should inflict no further injury on the deposed princes than was necessary to secure the entire national policy. It was the duty of the Government to use the victories of last year, and the sacrifices by which they were won, so as to obtain the position that was necessary for the security of Prussia and the accomplishment of her German vocation, and from this duty they gained the right to exact, with unflinching severity, the penalties of war from the dynasties whose sovereignty had proved to be a lasting source of danger to the peace of a country inhabited by the same race. Any attempt to seek conquests or profit apart from this great national purpose was foreign to the political aims of Prussia. It was necessary that the public opinion of Europe, and particularly the countries annexed to Prussia, should understand that this point of view was considered conclusive. This was only possible, in its full extent, if the deposed princes showed by an agreement, voluntarily signed, that they thought the compensation made them a suitable equivalent for their former income. An understanding by *treaty* with the deposed princes, and particularly with King George, was of a higher political value than the sums of money by which the compensation might have been diminished, provided the treaty had not been made.

"To have made the compensation in domains would have been opposed to important interests of the State. Prussia therefore proposed and insisted on a payment in capital as the basis of the negotiations. But if the present revenues alone are compared, it is clear

that the compensation, when paid in money, could not but be higher than it would have been if made in landed property, since in the first case the advantages arising from the natural increase in value of all such estates would be lost. In all respects it seemed wise to make a liberal compensation. For though no part of the money paid could be looked upon as a recompense for the lost rights of sovereignty, care must be taken that a position was secured to the deposed princes not unfitted to their former circumstances. This was the only means by which the adherents of these Princes, in the districts which have now become Prussian, could be reconciled to the fate of their former sovereigns. King George and Duke Adolphus ought not to be placed in a situation which, when brought into connexion with the loss of their hereditary position, was likely to arouse a feeling of sympathy. Since the illustrious past of these princely houses is inextricably connected with the history of the lands they governed and the honest pride of their inhabitants, their present and former position must not be allowed to give rise to painful comparisons. The advantages which accrue from a compensation accepted by the deposed princes under the form of a treaty, whether viewed in this light or in respect to the impression made on the whole of Europe, and the feelings with which powerful and kindred courts will view the reconstruction, cannot be calculated by sums of money. But within certain limits which must not be transgressed, the more brilliant the recompense we offer, the more easily will this be attained.

“These are the motives which have induced us to fix the amount of compensation to be paid to King

George at sixteen millions of thalers, and that for Adolphus Duke of Nassau at eight and a half millions. In calculating the income which the above-named princes will in future draw from these sums, it was remembered that according to family arrangements it was intended that they should be employed in the purchase of landed property, the revenues of which would be considerably smaller than the interest of the capital."

* * *

In order to obtain the sanction of the Landtag to the treaty of the 29th September 1867, the Prussian Government was empowered by his Majesty on the 3rd December 1867 to accede to a wish which had been expressed in the Budget Commission of the Lower Chamber, and they accordingly submitted to that Chamber, in its sitting of the 6th of the same month, the following bill *respecting the payment of the compensation granted to King George and Adolphus Duke of Nassau.*

"We William, &c.

"With the consent of both Houses of the Landtag of the monarchy, decree as follows:

"The payment of a compensation of 16,000,000 thalers to King George, and 8,892,110 thalers 1 sgr. 6 pf. to Adolphus Duke of Nassau, from the credit opened in accordance with the law of the 28th September 1866, respecting the extraordinary expenses of the Army and Navy and the dotation of the treasury (G. S. 607), is granted, on the bases of the treaties of the 18th and 29th September 1867.

"In confirmation of which, &c."

The arguments appended to this bill, in as far as they concern the position of the Prussian Government, refer to the memorial already mentioned.

They were only intended to prove the right of the Government to conclude the treaties, and to show the importance of employing the credit opened by the law of 28th September for this purpose.

The Minister of Finance Baron von der Heydt gave the following explanations, when laying the bill before the Lower Chamber, on the 6th December 1867.

"In company with the Prime Minister, I am commissioned by his Majesty to lay before the House a bill respecting the payment of the compensation granted to King George.

"The negotiations which have been carried on with King George, respecting the settlement of his property, have at length led to the treaty concluded on the 29th September, a certified copy of which I have the honour of laying before the House.

"In these negotiations, the Government have been principally guided by political considerations. From a legal point of view there may be different opinions as to the compensation to be granted to the princes. The Government have already stated their point of view, in the memorial which they submitted to the House, together with the accounts respecting the loan which was sanctioned last year.

"It was of the greatest political importance to come to an understanding with the princes, which, though not in direct terms an act of abdication, at least contained an express recognition of the change of circumstances, and this could only be obtained by a liberal grant. His Majesty's Government could not entertain a doubt that they had full powers to conclude a treaty that would be legally binding. They were not bound by the co-operation of the Landtag until the 1st October: the Crown had full power to legislate and to dispose of existing means,

even when the effect of its acts extended beyond the said period.

"The means of compensating the princes were to be found in different ways. His Majesty's Government might have made use of the existing domains for this purpose, and then the understanding might have been obtained at a smaller price. But the Government believed that, for reasons of policy and political economy, this way ought not to be chosen, that the domains ought to remain the property of the State. Again, the means might have been found in the capital in the possession of the Government. The obligations to which I refer bore for the most part the lower rate of interest of 4 or 3½ per cent. and a higher sum would therefore have been necessary to make up the revenues. Besides this, these obligations had been issued by corporations and societies, and the Government was unwilling to expose them to an unexpected withdrawal of the money lent them which, might have endangered their very existence. The Government might also have raised loans at the expense of the respective districts, but it did not wish to subject them to separate burdens, as the purpose was a general one which affected the whole of the monarchy. Under these circumstances, the Government had no scruples in employing the sums set apart for the expenses of war, as these were in readiness, and it was convinced that the country would not fail to assent to these measures. Ministers did not conceal from themselves that they would have to account for them to the Houses of the Landtag, but they believed that they might unite this account with that which they had to give of the loan of last year. A part of the

Budget Commission viewed the matter in the same light, as a very large minority moved that this subsequent assent should be expressly pronounced in the bill at the same time laid before the House. This proposal, however, met with opposition, and the majority of the Commission resolved to move a separate bill respecting this agreement. The representatives of the Government, as soon as this opinion was expressed, declared their readiness to conform to the motion should it be desired. The Government, in consenting with the utmost readiness to fulfil this wish, before the report of the Commission is laid before the Chamber, believe that they may depend with the greater confidence on receiving the support of the house in the matter itself. I move that the bill and treaties be submitted to the Budget Commission for preliminary discussion."

These papers having in accordance with the above motion of the Minister of Finances been laid before the Budget Commission, a sitting was held on the 10th December 1867, which was attended by the Prime Minister Count Bismarck - Schönhausen, the Minister of Finances Baron von der Heydt, and several Government Commissioners. On the 20th of the same month the Budget Commission made its report, from which we take the following:

The representatives of the Government first explained the motives which had led to the conclusion of the treaties with the deposed princes, and the use made of the credit granted by the bill of the 28th September 1866 for purposes of compensation. As to the amount of the sums granted, the Prussian Government, which had carried on the war of last year in the pursuance of great national aims, believed that the position they occupied would be obscured

and obstructed if the deposed princes were subjected to losses of income besides the forfeiture of their sovereignty. It was also suited to the dignity of the Prussian Crown to supply these ancient princely families with sufficient means to enable them to continue to live in a way corresponding to their past history and their high position. In computing the amount of the compensation it must also be remembered, that recourse had been had to the domains of the dethroned princes, and though it could not be granted that they had a right to this landed property, the legal question was not beyond all doubt. Above all, the sacrifices which might have been avoided by making a lower compensation were more than counterbalanced by the advantages arising from the consent of the dethroned princes to allow their income to be settled by treaty. As in a financial point of view they were not only not worse but better situated than before, and as they had voluntarily accepted this recompense his Majesty's Government had a right to suppose that without an express abdication they had accepted the new order of things. Powerful and friendly Courts viewed the matter in the same light, and it might be taken for granted that this would be the impression made on the former subjects of the deposed princes.

The Commission, for the reasons stated, accepted the opinion of the Government that the treaties contained a recognition by the princes of the present state of affairs, and therefore a silent surrender of their sovereign rights.

The amount of the compensation was declared to be so excessive, that if the question in all its bearings had from the first been laid before the Landtag, it certainly would not have been granted. On

the other hand it was acknowledged that now that the treaties were concluded and ratified by the king it would not be advisable to refuse the compensation. The political importance of the treaties was also acknowledged, as after King George had signed such a treaty the Hanoverians must be convinced that he would never return to Hanover as a ruler.

A member of the Commission remarked that it was desirable that the compensation should not be placed at the disposal of King George until he had abdicated, and as, according to article 4 of the treaty of the 29th September 1867, definite arrangements as to the payment and administration of the compensation were reserved, he moved that an amendment in this sense should be added to the bill under consideration.

Another member, too, proposed an amendment to the bill the spirit of which was that the parliament should reserve to itself the right of cooperating in the negotiations which, according to article 4 of the treaty, were still to be carried on with King George respecting the administration of the compensation, so that the understanding definitely arrived at should be subject to the decision of the Landtag. In supporting his motion he showed how desirable it was that the sums paid as compensation should not be placed entirely at the disposal of King George.

In accordance with this it was moved that the following amendment be made to the bill: —

“provided the consent of Parliament be obtained to the special arrangements and definite understanding mentioned in Article 4 of the treaty with King George, concluded on the 29th September 1867.”

The representatives of the Government replied to this, that it was not the intention of the Government to place the sums paid in compensation entirely at the disposal of King George, as such a course might possibly endanger Prussian interests as well as those of the agnates interested in the estate; on the contrary it was the unalterable intention of the Government to insure the cooperation of the Prussian Government in the administration of the capital. The high contracting parties had not as yet been able to agree as to how this cooperation was to be insured, and it had therefore become necessary to reserve this point for future negotiation, as had been done in an article of the treaty. After this explanation the amendment would perhaps be considered unnecessary, but if any importance were attached to it, Government would not oppose, &c.

The amendment was then unanimously carried, and afterwards the bill thus modified with only two dissenting votes.

Accordingly the Commission moved: —

“That the House of Representatives pass the bill respecting the compensation granted to King George and Adolphus Duke of Nassau, in the following form: —

**Law
respecting**

the payment of the compensation granted to King George and Adolphus Duke of Nassau.

We, William, by the Grace of God King of Prussia, &c., with the consent of both Houses of the Landtag, decree what follows.

The payment of a compensation of 16,000,000 thalers to King George and 8,892,110 thalers 1 sgr. 6 pf. to Adolphus Duke of Nassau from the credit

opened in accordance with the law of the 28th September 1866 respecting the extraordinary expenses of the army and navy, and the dotation of the Treasury (*Gesetzsammlung*, p. 607) is granted on the bases of the treaties of the 18th and 29th September 1867, provided the consent of the Landtag be obtained to the special arrangements and definite understanding mentioned in article 4 of the treaty concluded with King George."

On the 21st December 1867, Mr. von Sybel, a member of the Lower Chamber, proposed the following amendment:

"That the House of Representatives resolve:
that the words which follow 29th September 1867
be omitted, and the following clause inserted
in their stead:

Provided that the bonds and ready money, which according to article 4 of the treaty with King George, are to be granted to him by the crown of Prussia, the latter having been invested so as to bear interest, be deposited in the hand of the Crown of Prussia, and that the Government have the right and duty to treat the deposit as the property of the Prussian Treasury, as soon as any steps are taken or attempt made either directly or indirectly by King George or his rightful heirs, to threaten the union of the former Kingdom of Hanover with the Prussian State, or to separate that kingdom or any part of it from Prussia.

The debate on the payment of the compensation to King George and Adolphus Duke of Nassau took place in the Lower Chamber on the first February

1868. In this sitting the reporting member of the Commission, Krug von Nidda, supported the measure by stating that it was, for the reasons we have already given, suited to the national position of Prussia. After this Mr. Ziegler, a member of the opposition, spoke. He assured the House that he had endeavoured to collect opinions from different parts of the country, from different classes of society and from people of various political views, but he had not found a single person who did not highly disapprove of the bill. "Had there ever," he asked, "been a more flagrant breach of federalism than that of April 1866? Did not our whole right to carry on war arise from this? Did not these princes, of whom we are to-day speaking, then, without any cause, and with a breach of the fundamental principles of the Confederacy, make war upon us? When we were opposed to a powerful enemy, did they not attack us, so to say, in the rear? Did they not cause our young men to be mowed down on the battle-field? And we are to give a reward to the princes for this course of action, for this crime? and so great a reward that the spirit and the letter of the report recognize that they will be in a better position after their deposition than before. The honourable gentleman then endeavoured to show that from the earliest to the latest times conquered princes had never received a compensation, and warned the house not to hope to gain sympathies by this considerateness; King George would only take their generosity for weakness.

The next speaker, Mr. Miquel, (from the province of Hanover), although he had announced his intention of speaking for the proposal of the Commission, declared himself opposed to the treaty as a whole. He first showed that it could not be defended on

legal grounds, because, according to par. 1 of the finance chapter of the 24th May 1859, in Hanover, only the reigning prince had a right to the domains and their revenues, and that whoever had according to international law lost the sovereignty, had lost every claim to this property. He showed further that the treaty gave the king almost twice as much as he and his family could constitutionally claim before he was deposed, and maintained that the general feeling in the province of Hanover, at least among the supporters of Prussia, is that the indemnity is much too great, that it gives the King more than he previously possessed, and that he even then had too much. If the speaker were only to consult his feelings, he should probably arrive at the same conclusion as the member who spoke last, but, however unwillingly he voted for the Convention, his reason forced him to do so, partly because he had before him a treaty concluded in due legal form, partly because the payment of a certain indemnity was popular in the country, and because many Hanoverians, when the King had been to some extent compensated, and they had began to regard the circumstance as appertaining to the past, would become more favourably disposed to the existing state of things. Besides, the policy of Prussia would have every thing to gain by an act so liberal and straightforward; and finally, the Convention contains an implied renunciation of his throne by King George.

The next speaker, Deputy Schulze-Delitzsch (member of the Opposition) expressed his opinion at considerable length, that the indemnity stipulated in the Convention was much in excess, not only of what the princes had any right to ask, but also of what the country could afford to pay without burdening itself unduly.

The speaker continued, amid repeated applause from the left side of the house, to demonstrate, that to leave the dispossessed princes their former income, would lay a double burden on the nation, for the new sovereign could not of course dispense with the pecuniary means necessary for the administration of the country, and Prussia could not, in present circumstances, bear this double load. He declared, farther, that to furnish dethroned princes with the means of continuing a sort of royal dignity is very ill calculated to restrain their partisans from conspiring to effect their restoration, and maintained that, from what he knew, the Government would never succeed, by taking such a step, in obtaining the concurrence of the Hanoverian liberals, if it did not rather scandalize them. If the House refused the measure its approbation, the Ministers would be obliged to demand a formal abdication, and probably obtain better terms, from the other side. As to the point on which most stress had been laid, that his Majesty the King had already ratified the Convention, the speaker requested the house to consider that it was less a treaty than a financial measure they had to accept or reject. He opposed the amendment of Mr. Sybel, since it proposed the acceptance of the bill, although with certain precautionary provisions.

The President of the Ministry, Count Bismarck-Schönhausen, then spoke as follows:—

“Gentlemen, — In a matter so serious and earnest as that which now claims our attention, I shall endeavour to abstain from all oratorical declamation calculated to warp your judgment. But I cannot refrain from adverting to recollections which force themselves on me to-day. They lead me back to

times when likewise the foreign policy of the Government — and in it I include this arrangement with regard to Hanover — met the wishes of no party; when it was attacked on all sides and criticised with perhaps greater asperity than to-day. We were completely isolated; every one knew better than we ourselves what we ought to do; every one was ready to instruct or to reprove us. That is almost universally the case when fragments of the policy of a great country — especially such as are of a nature to stir up the passions of the people — are separated from the whole, instead of being regarded as only a single link in the political chain. If I am to believe the gentlemen on this side (the left) who are partly the same as I saw before me in 1863 and 1864, it is they who have conquered Hanover, and, what was still more difficult, it is they who have reconciled Europe to this conquest, while it is we who are now meddling with their business, and throwing the money of the state out of the window by handfuls. Mr. Ziegler has reminded us of the practice of the Romans and other nations, as exemplified in the treatment of Jugurtha. I do not know whether the gentleman was speaking in jest or earnest, but as the first supposition would be out of place here, I am forced to assume that he is seriously of opinion we ought to have thrown King George into a dungeon and left him to perish there. On no other theory can I account for the introduction of such examples. Had we followed a similar precedent, I believe the number of Hanoverian emigrants in Strasburg would have been much greater than it is at present, and with good reason. Mr. Ziegler added that our procedure is unexampled in history. I will not admit that he is so ignorant of

the history of his native country as not to perceive the inaccuracy of his statements after a moment's recollection. Let me remind him of two instances of dispossession which occurred in the North of Germany. Henry the Lion was deposed from his dignity as Duke of Saxony, but he was not left to starve in England or to earn a precarious subsistence as best he could. He retained his allodial possessions, which he held in right of his marriage with heiresses of the houses of Nordheim, Supplingenburg and Billung, and these rich appanages, which made the Guelphs powerful enough to exert considerable influence on the politics of Germany, comprehended Luneburg, Gottingen, Grubenhagen, the Harz district, and the present Duchy of Brunswick. There the respected member has, from the history of Germany, an instance, which completely confutes him, of great liberality shown, not towards a vanquished enemy but a rebellious vassal of the Emperor of Germany. I shall quote another example—the compensation made to the dispossessed Elector of Saxony by the Emperor Charles V. He got the entire territory in which the four ducal Saxon houses flourish, and these dominions were subtracted from the Electorate of Saxony. If the honourable member who opened the debate had studied a little closer the history of our country, he would have discovered that his assertions on this point are not in accordance with facts. I can adduce two other parallel cases, which have been already touched on; I mean that of the dethroned princes in the time of the French invasion at the beginning of this century. The princes were left to shift for themselves, and provide for their existence as well as they could. They were thrown into this position with the people who gathered round them.

to obtain a livelihood again, and who in any enterprise, however desperate, could only gain, because they had nothing to lose. We see at this moment the same thing repeated in Italy, and the other gentleman who has already spoken was quite right in assuming I believe that if the Italian Government were able to conclude with their dethroned princes such a treaty as ours with Hanover, they would joyfully accede to it. In this question, from the first moment, we have taken the German system, and not the Italian, as our model. The object we desired to attain was one which I may characterize by reading a short passage, because this communication, so apposite to the question before us, has been lost sight of in another part of the printed documents, and is perhaps not completely present to your minds in this day's debate. With the permission of the President I will read this short paragraph.

"In the negotiations on the subject of the pecuniary relations of King George and Duke Adolphus of Nassau, the political consideration has been decisive, that Prussia should not cause the dispossessed princes more detriment than the security of the great national policy demanded. To utilize the victories of last year and the sacrifices with which they were purchased, in order to attain that position which Prussia, for her own safety and for the fulfilment of her German destiny, cannot dispense with, was a duty incumbent on the Government, and from which it derived the right of rigidly enforcing the law of war against the dynasty, the sovereignty of which had proved himself to be a continual danger for the peace of a territory inhabited by the same nation. To seek other gains or other conquests beyond this high na-

tional aim and end was far removed from the political aspirations of Prussia. It was necessary that this point of view should be recognised as prescriptive by public opinion in Europe, and especially in the provinces incorporated in Prussia. This was only possible to its full extent in case the dispossessed sovereigns should evince, by voluntary acceptance of an arrangement, that they regarded the indemnity accorded them as a just equivalent for their former revenues. An understanding, by way of treaty, with the dethroned princes, especially with King George, was estimated higher, in a political point of view, than the sums of money by which the capital of the indemnity might have been diminished had the Convention not been agreed on.'

"I shall take the liberty of requesting you, gentlemen, to read the remaining passages, which I must here pass over, and which have reference to the relations with the inhabitants of the annexed countries whose history was bound up with that of their reigning houses. Viewing the subject in this light, the incorporation of a state, which like the Kingdom of Hanover had proved itself to be an evil for Germany, is to be regarded as analogous to an act of expropriation for the public good, and the right to enforce this expropriation was placed in our hands by the voluntary commencement of hostilities against us and by the antifederal resolution in Frankfort. Of this right we have made use to effect an expropriation for the common welfare of Prussia and Germany; this view likewise coerces us not to look at the transaction as a conquest, in virtue of which we ignore the claims of the former possessor. That an indemnity should be given is acknowledged on all

sides. An indemnity might have been granted analogous to that received by Henry the Lion and the Ernestine line of Saxony, and in fact after the return from Nikolsburg the question engaged the serious attention of his Majesty's Government, whether it would not be expedient to leave King George the district of Kahlenberg, or a part of it, with the city of Hanover, and the certain prospect of Brunswick, in order to obtain his consent to the cession of the rest. It was also under consideration to leave the Electoral Prince of Hesse, under similar conditions, the county of Hanau, and the Duke of Nassau certain southern parts of his former territory. I believe it is more agreeable to you all, gentlemen, that this project has not been carried out; you would doubtless look on this arrangement as eventually more costly than the millions now in question. Nevertheless you will not deny that if a peace had at that time been proposed to you, conceding to Prussia all Hanover with the exception of Kahlenberg, and all the Electorate of Hesse with the exception of Hanau, you would have thought this a very satisfactory peace after a seven days' campaign, and we should not have heard a single word of reproach. That is now all forgotten; a single link is selected from the chain of our general policy, and subjected to criticism and cavilling. Had we made peace in another way, had we left these princes their private domains, for example, you could not have made any objection, and if for such a consideration they had abdicated their sovereignty, we should have been excused for so doing. Had we at that time unhesitatingly accorded the sums now demanded, you would not have thought the amount too much, even had we granted it *with* the stipulation that the Bavarians and the Saxons

should undertake to indemnify the sovereigns of Hanover and Nassau, instead of making a direct payment to us. That would have been a worse bargain for us by several millions, but you would have seen in it a very wise, perhaps even a humorous arrangement. We have preferred to concede, not land but money, and I give too much money, and I am glad that it is much. I do not know whether the fact at that time gained publicity, that it was proposed to buy from Austria her claims on Holstein and Schleswig. In the negotiations that took place the attempt failed; various sums from 40 to 100 millions were named, and by way of comparison the entire cost of the Silesian war was computed. Though these Duchies were not considered of so much importance to Prussia as Silesia, still they were regarded as nearly so, and it was asked how much more a possible war for Schleswig-Holstein would cost; and in fact it did cost more. It would perhaps have been called no bad bargain at that time if we had, for example, indemnified Austria and the Prince of Augustenburg with 40 millions. The Austrian Government, however, insisted on having land and people; they expected probably in exchange the county of Glatz, or it may be a few districts in Upper Silesia. To that we could not consent, and so the whole affair terminated, as Austria would take no money; but we should then have hailed it as a happy result of our policy if Austria had accepted a pecuniary compensation.

If we had made a peace with King George which should have left him the half of Hanover, while we obtained only Osnabruck and East Friesland, I recollect a time, even after the battle of Koniggratz, when it would have been regarded as no contemptible gain if the result of that combat had been only

the acquisition of East Friesland, and the establishment of a connexion between the eastern and western provinces of the Prussian Monarchy. But this peace is, in my opinion, even calculating these payments, not a bad one; — even in a pecuniary point of view not a bad one. The gentlemen who spoke of the burdens which will be imposed on the old provinces by this indemnity paid to the King of Hanover, can never have examined closely the former Hanoverian budget, — perhaps quite as little as old German history, — or else they would know that the Kingdom of Hanover possessed assets which amounted to something more than six thlrs. a head in railways, mines, forests, domains &c., whilst in Prussia the same objects give only an average of two thalers a head. It is evident, then — and I do not intend in saying so to anticipate a debate on another subject — that Hanover brings us a capitalized value of 250—300 millions, and that it is consequently an exaggeration, intended for the ears of unreflecting hearers outside, to say that this indemnity, which is inseparable from the whole Hanoverian question, lays new and heavy burdens on Prussia to the advantage of Hanover. Mr. Miquel has indicated that he does not disparage the conciliatory effects of this settlement; that on the contrary he estimates them as very considerable. His Majesty's Government, since the peace, have made it the special business of their external policy to smooth down, as far as they could, those susceptibilities which, in Germany and beyond it, were irritated by the new order of things. What may be the exact money value of this conciliation no one can tell, just as little as it can be ascertained if it has been completely accomplished. If, however, with regard to those who in the pro-

vince of Hanover or elsewhere take an interest in the fate of the Guelph dynasty, this end can be even approximatively attained, I do not think the price too dear, especially when you take the difference into account between what you would have perhaps given on your side, and what his Majesty's Government has accorded. It is possible that the sum has been run up a little higher because it was at first understood that the compensation was to be given in domains and forests, and the transition to a different system has perhaps been more costly than was expected, but in the opinion of the administration of finance it will be the cheapest in the end. If by means of this arrangement we advance another step in the path of reconciliation, then, gentlemen, I should willingly have accorded more than what we lay before you here, and if the bargain were to be made again, I give you my word, if I could not otherwise obtain the signature of King George, I would grant the same amount, yes, even ten millions more if it depended on me alone. The value of an arrangement may be very differently estimated, and you have not had the same opportunities of judging of it as myself, because you are less favourably situated for taking in the whole policy of the Government at a glance, because you have not been so intimately mixed up with the whole transaction as I have, and because, in your concern for other things, in your discussion of a quarterly budget and other matters, you have forgotten much that is indelibly stamped on my memory. I cannot carry on a desultory policy; it must be connected and consistent; I cannot have fragmentary portions singled out, and be told that in such or such a measure the Government has divested itself of all wisdom; that this de-

tail may be accepted and that must be rejected. It is possible that after the discrimination of the Government in 1866 has been so much lauded, we have been suddenly overcome by mental blindness, and have been changed into shortsighted spendthrifts who do not know what they are doing, and who scatter the treasure of the country with lavish hands on the public streets. But tell me, does our Minister of Finance really look like a prodigal? I think I have myself given proofs that in difficult matters like the present I have never allowed myself to be carried away so as to lose sight of calculation and measure. I may have acted in a hurry, but as yet at least I cannot perceive it. I repeat I would do the same thing again, if the same circumstances presented themselves again to morrow. Should you, however, disapprove of the measure, I intreat you earnestly to declare your opinion boldly and by supporting the sentiments of the former speaker, to reject the Bill; you will find the Government more constitutional than you perhaps imagine. It is natural that after such an adverse vote, the Government which has concluded this Convention and recommended it to the approbation of his Majesty, feeling it had no longer the confidence of this House, should resign the task of conducting the affairs of the State. Those who disapprove of the Bill, and therefore condemn the course taken by the Government, will have to try — and I will give them every assistance I can — how the business of the State can be conducted without the Hanoverian Convention. You will then have every opportunity of getting rid of the obnoxious measure, and new leaders and new principles will have an open field. Then I will return six months later and inquire whether I have been right or wrong, and then you

will all have to acknowledge the principles which induced us to conclude the Convention, but which I will not openly proclaim on the platform, in order not to invalidate them. So long, however, as you cannot speak from a perfect knowledge of the matter and from your own experience, judge with less harshness than, for example, the gentleman who spoke first, notwithstanding his gentle voice, has done."

After the excitement which the speech of the Prime Minister caused in the hall had partially ceased, Mr. von Kardorff spoke for the compensation. He showed that the acceptance of these liberal revenues by King George would make his actual surrender of his rights a legal one in the eyes of the Hanoverians, and that the magnanimity of Prussia would prove to foreign countries that the war of 1866 had not been carried on from any frivolous desire for an increase of territory, but that the annexation of these districts had been a duty of self-defence, an absolutely necessary condition of the mission which Prussia had to fulfil in Germany. Fears had been expressed that King George would continue his agitation against Prussia even after the conclusion of this treaty, but we had no right to suppose that a prince who had lost both crown and country could be guilty of such perfidy.

The Commissioner of the Government, Mr. Wollny, then gave some explanations with respect to the domains mentioned in the treaty, after which Mr. Lasker rose to speak against the bill. He first declared that he could not convince himself of the justice of the Prime Minister's assertion, that the treaties and compensation formed a necessary part of history since the year 1866. If the Government wished to give the House this position

then they were not there to examine according to their insight and to vote according to their understanding, but they must grant the Government a dictatorship with full powers to settle German affairs as they knew and thought best. If in the year 1866 the dethroned Princes had received a compensation from the funds that were at that time in the hands of the Government, from the war compensation, for example, the House would have had no voice in the matter, but as soon as the annexion was fairly accomplished, and had received a legal sanction, the Prussian State formed a whole, and was under no obligation to pay for the districts which had thus been gained. The honourable gentleman then contended that King George had no right to any compensation whatsoever and recommended, if no other choice were left, the amendment of Mr. von Sybel, the passing of which would not, however, induce him to vote for the whole bill.

The Prime Minister, Count Bismarck Schönhausen, replied to this as follows:

"I am very grateful to the honorable member who has just spoken for not underrating my patriotism. Besides this I am grateful to him for giving me an opportunity of returning to a point which I did not mention before, because I thought it had been settled by the vote of the Commission, because I flattered myself with the hope that it had been abandoned; I mean the question whether we had a constitutional right to conclude this treaty or not. The honourable gentleman said, he would have been able to assent to the treaty if dictatorial powers to settle this affair had been granted to the Government. Now, it was the opinion of his Majesty's Government that such Powers had been granted them with

respect to the affairs of Hanover down to 1st October of last year. We made use of them *bona fide* as such; we regulated the Hanoverian budget as we thought good, without asking any advice, and with the same right as we could employ a hundred thousand or a million thalers more or less for one purpose or the other; we might, we are convinced, have employed the Hanoverian funds, namely, those which King George had taken with him, and which would have formed the simplest means of compromise in this question, if we had had any wish definitively to withdraw them from the constitutional control of the Prussian Landtag. That we did not employ this means, but had recourse to the Prussian loan, the honourable gentleman has very justly termed a financial measure; whether it was petty, as he I think insinuated, I shall not pause to inquire. It was enough for me that my honourable friend the Minister of Finances prefered this mode of action as, provided we had a right to conclude the treaties and other means of paying the sums besides the Prussian loan, the question whether we should take the money out of one pocket or the other seemed to me, wrongly as I now perceive, so petty that I thought the Landtag would not return to it, but would at once and willingly grant us an indemnity, that the affair might thus be brought to a conclusion. The thought of pressure cannot therefore be entertained for a moment.

"The honourable gentleman added that, if King George had any legal claim, he should be able, in so far as it was concerned, to vote for the treaty. Now King George for his part believes that he has a claim, — a claim to the crown of Hanover. He believes that he has one, and it is my conviction that

by this agreement he has given it up, and that he is fully conscious of having done so. He might under some circumstances refuse to accept anything from his enemy Prussia and I am convinced that in that case he would be most dangerous as a pretender; — a poor pretender is in my opinion more dangerous than a rich one: a rich one has never established his pretensions; a poor one who with his companions has nothing to lose, ventures more and has therefore sometimes succeeded. Or King George might have accepted exactly the sum which formerly stood at his disposal, either with or without the sums necessary for the expenses belonging to his station, for whether he spent a part of his revenues on the theatre and gentlemen in waiting or not, lay in his choice: he need not have done it even when a king; he might have said to himself: I can accept this sum without accusing myself of sacrificing my rights, although his position would even in that case have been much more doubtful.

"As soon, however, as he accepted what the gentlemen on every side assert was more than his due, he abdicated, for for this *more* there must have been an equivalent. The thought of King George receiving a present from the King of Prussia is impossible and inconceivable; in such circumstances those presents are neither given nor accepted which spring from a superabundance of mutual good-will. On the part of King George, therefore, the assertion that he has not abdicated may be repeated as often as it will; this conviction may be carefully preserved and pampered by those who surround him, as otherwise he probably would not have signed the treaty; that is entirely indifferent. It does not matter what King George personally thinks of the matter. He had

the choice of remaining in a situation, which would then perhaps have been one of comparative misery, for a length of time, perhaps for many years, or of at once improving that situation by coming to this agreement with Prussia. He chose the latter course, because the uncertainty of the time during which he would perhaps have had to wait made this choice appear preferable; he chose it under the pressure of the threat that we should otherwise bring the affair before the Landtag and there discuss it. We had therefore the pleasure of obtaining the voluntary signature of King George. I do not, however, believe that the three parties, King George, his Majesty's Government and this House would have been able to come to an understanding about the sum so quickly as was desirable. I must freely confess, it is perhaps very wrong of me, but I have never asked myself the question whether King George has any legal claim. I can very well understand that, on one side, the claim is carried so far, that if we did not return the whole kingdom, we should yet have to pay an equivalent that can hardly be calculated by the sum of the actual property of Hanover which I have already stated. I can understand that, on the other side, the Prussian case is so stated that King George has no claim whatever, but that *we* have a right to a compensation out of his private property for the expenses of the war. Both positions may be defended, the one as well as the other. I have only considered what advantages are to be derived from an agreement for our policy as a whole. For a great part, I confess they are not only incommensurable but I believe them to belong to those impalpable forces whose influence in the political world is often greater than

that of gold or armies. It has been hinted that such abdications have often little value, and the example of the Duke of Augustenburg has been cited as a proof of this. Let us suppose that such an abdication stood *expressis verbis* in the Convention, it would not possess a much higher value on that account. King George, if he could gain a sufficient number of allies, and if circumstances were favourable, might still look upon the agreement as one obtained by force and fraud, and simply break it as not binding. But the security that such a deed would lend to the position we occupy towards Hanover, towards Europe and towards those who surround King George is ensured in full measure by this agreement.

"I must therefore request you not to endanger this agreement by passing Mr. von Sybel's amendment. As a matter of form, it is hardly possible to insert such a clause without annulling the treaty, and unless it were inserted in that document it would lose its value in the eyes of the gentleman who has moved the amendment. In my eyes, and I believe in those of all practical statesmen, it has in itself no value, it is superfluous."

Mr. Twesten, member of the party of progress (*Fortschrittspartei*), expressed his intention of voting for the bill in spite of many weighty scruples which were principally of a practical nature.

The Minister of Finances, Baron von der Heydt spoke of his position with respect to the matter as follows.

"Several speakers have attacked the position which I, as Minister of Finances, have adopted with respect to this question; I beg therefore to be permitted to say a few words on that position.

"The present question is closely connected with the important events before which I was placed at the head of the Ministry of Finances. From the first I considered it my duty to support the leader of our foreign policy in a way suited to the circumstances. When the victories were won, the question was what demands were to be made. From some Governments contributions were required, from others a cession of territory. A contribution might have been demanded from the former rulers of our new provinces, if that had been thought suited to the interests of the country. It was considered necessary to annex those districts, but at the same time to grant a compensation suited to the circumstances of the sovereigns. We at first thought, as the Prime Minister stated in the Commission, of making the compensation in domains, and by the powers which had been invested in the Government till the introduction of the constitution, we had full authority to make a compensation in this form. It seemed to me much more advisable to make this compensation not in domains but in money. I remembered the great rise in the value of estates which has in the course of time taken place in Prussia, and there can be no doubt that the rise in the value of domains in the districts in question will be so great that they will yield more than the sum we are to - day discussing — than the compensation which has been granted to the princes in money.

"Now, Mr. Lasker says that if the contributions had been used to pay the compensation no one here would have had a word to say on the matter. But where is the difference? It only consists in the fact that the Government in laying before the Chamber an account of the money placed at their disposal

included the contributions together with the 60,000,000 thalers in the receipts. We placed the contributions and then the proceeds of these effects and the proceeds of the sixty millions in the receipts, and afterwards the compensation of the princes in the expenses. In laying the accounts before the commission the Government expressly acknowledged that, as a matter of form, the assent of the parliament was necessary to enable them to take the compensation from the sixty millions instead of from the contributions. The latter mode of action would, according to the opinion of Mr. Lasker, have been quite proper. Now if for financial reasons the sums paid as contributions were not laid by until they could be directly applied to this purpose, the Government are not open to blame on that account. No one can seriously believe that the operation was made in this form only to save a little interest. No money stood at the disposal of the Government except the contributions and the loan. We might have employed the contributions; if instead of this we have used the proceeds of the loan, it by no means follows that we have morally exceeded our powers; as a matter of form it is at once clear that we are not in the right; we have therefore in laying our accounts before the house applied for its subsequent assent. In the committee the opinion was expressed that a separate bill was necessary for the purpose. The Government at once, without waiting for the report to be finally adopted, acceded to this wish and you have to day to decide upon this bill. I am fully convinced that it was my duty, as Minister of Finances to act in this matter as I have done, and I do not believe that the circumstances are of a nature to induce you to refuse your assent because the

sums paid as contributions were not directly employed for this purpose, but placed in the treasury while other means were used. The Government therefore believe that they have a full right to more than the bill be accepted."

At the conclusion of the general debate, Mr. von Sybel supported his amendment (vide p. 19.) by saying, that to place the capital under the administration of Prussia, and to give the Landtag a voice in this matter, was a better means of gaining the end desired than the proposal of the commission, that the assent of the Landtag should be obtained to the special arrangements and definite understanding mentioned in article 4 of the treaty, and that, further, the Government would only be rectifying an omission in stating, with the consent of the representatives of the country, that if King George did not respect the conditions on which the treaty rested, namely the present order of things, the Government, on their part were not bound by it.

To this the Prime Minister Count Bismarck Schönhausen replied: —

"I believe I am not mistaken in thinking that some of the explanations of the honourable Gentleman who has just spoken arise from the erroneous supposition that his Majesty's Government ever intended to place the capital in the hands or at the disposal of King George. I thought such a misconception had been entirely excluded by the explanations given by the Government before the commission. Whatever the future arrangements and the administration of the capital may be — and we have proposed to give the Landtag a voice in the matter — they will always remain such that the capital cannot be disposed of without, firstly, the consent of the

agnates, and secondly, the consent of his Majesty's Government, and that only the revenues will be paid. If the honourable gentleman wishes to have his amendment applied to these, I can scarcely think that any practical good any real change in the condition of things could result from its being passed. I will make no further remarks on the matter, I consider the amendment superfluous."

Dr. Loewe opened the special debate with the statement that many circles in the former kingdom of Hanover saw in the exorbitant compensation a confession that Prussia felt herself in the wrong. A rich king finds more loyalty than a poor one, and by granting such large sums to King George he was enabled to form and establish a particularist party.

After Mr. Arndts had remarked that, although he had been wounded at the battle of Langensalza, he should vote for the treaty, Dr. Waldeck rose to oppose the compensation. He denied that King George had a right to any compensation at all, and believed, as he had been threatened that if he did not consent to the treaty the matter would be brought before the Landtag, he (Dr. Waldeck) had a right to suppose the Prime Minister was convinced the Landtag would never have passed the bill. The Prime Minister was probably convinced in his own heart that it would be well for the interests of the country that the treaty should not come into force. In conclusion the speaker showed that in former annexions Prussia had never made the dethroned princes compensation for the domains they had enjoyed, and this analogy was the more applicable to the present case as, according to the Hanoverian law, the domains had nothing to do with the private property of the prince and the House of the

Guelfs had no family claim to the Prussian domains in East Friesland, or to the revenues of Hildesheim.

After this speech the conclusion of the debate was resolved on, although 15 other members had announced their intention of speaking against, and 8 for the bill. At the division Mr. von Sybel's amendment was negative, and afterwards the proposal of the Commission passed. Of the members who voted by name 254 were for, and 113 against the bill, 7 refrained from voting.

On the 12th February 1868 the financial Commission of the Upper Chamber made a similar report on the bill which had been passed by the Lower Chamber. The substance was as follows:

The treaties on which the bill was based were not subject to the decision of the Landtag, it appeared quite impossible to do away with obscurities in them, or indeed to alter them in any way. It was only necessary to assent to the following proposals, that King George receive a compensation of 16,000,000 thalers, and the Duke of Nassau a compensation of 8,892,110 thalers 1 sgr. 6 pf.; and that these sums be paid out of the funds which were placed at the disposal of his Majesty's Government by the law of the 28th September 1866, respecting the extraordinary expenses of the army and navy administration and the dotation of the treasury.

The Duke of Nassau had already received his compensation, but King George not yet, as according to article 4 of the treaty of the 29th September, certain arrangements were considered necessary by

the Crown of Prussia, with respect to securing the 16,000,000, and on this point it has been impossible to come to an understanding.

To this, the clause added by the Lower Chamber to the bill refers, which amendment the Government has declared itself willing to accept. According to this, the capital is not to be disposed of without the consent of the agnates of King George, and the assent of his Majesty's Government, who in their turn are bound by the decision of the Landtag.

The amount of the compensation gave rise to much discussion in the Commission. It was thought so liberal that King George and Duke Adolphus would in future enjoy larger revenues than they did when in possession of their sovereignty. His Majesty's Government cherished the confident hope that these treaties would not only materially contribute to reconcile the Great Powers of Europe to the political changes of the year 1866, but that they would help to pacify the inhabitants of the districts in question. The Commission attached a greater importance to these reasons, as the very liberal compensation of King George and Duke Adolphus now proposed formed a part of that illustrious policy which led to the successes of the year 1866, for which the country is indebted to the leaders of that policy. While all the members of the commission were unanimous in this respect, some of them thought it their duty to suggest that in the country apprehensions began to be felt with respect to the increasing burdens laid upon the budget, and that these doubts were chiefly expressed with respect to the compensation of King George, as it was feared that he favoured an agitation hostile to Prussia and that his abdication was not stated in sufficiently exact terms in the treaties.

of the 29th September. After this the undersigned commission unanimously moved:

That the Upper Chamber resolve, to give their constitutional assent to the bill respecting the payment of the compensation granted to King George and Adolphus Duke of Nassau, in the form in which it passed the Lower Chamber.

(Signatures.)

The debate on the bill in the Upper Chamber took place on the 18th February 1868. Mr. Hasselbach, the reporting member of the commission, refrained from making any remarks on this "very delicate" subject. Mr. Rasch (from the Province of Hanover) merely bore witness to the favourable impression which the liberal treatment of the affair by the Prussian Ministers had made in Hanover. Count von Rittberg said that there were few people in the country who did not think the amount of the compensation too great, but that in spite of this he should vote for the treaty; he then explained his reasons for doing so. Mr. von Brünneck also considered it necessary again to state his reasons for voting for the bill, since it was the unanimous opinion of the house that too high a compensation had been granted, and in conclusion he asked the Government whether, after the present treaty with King George had been finally concluded, they should consider that they had a right, and it was their duty to stop the payment of the stipulated revenues to King George as long as that prince took measures, and was guilty of acts in opposition to the sovereign rights of the King of Prussia over Hanover, which might be considered

the continuation of his sovereign power over the province in direct opposition to its annexion to the Prussian state.

The Minister of Finances Baron von der Heydt replied: — “The Government do not wish that the House should hesitate to pass the bill on account of the machinations which are directed from Hietzing. The Government, for their part, consider themselves bound to bring the treaty honestly to a conclusion. This does not prevent them keeping an earnest eye on those machinations. Steps have been taken with respect to them; of the present state of the negotiations I do not feel myself at liberty to speak, but I need not conceal anything with respect to the question that has been put to me. If the machinations should continue after the publication of the law, — should King George take up a position which is entirely opposed to the spirit and sense of the treaty, and make a bad use of the residence that has been granted him in Hietzing, it would become the duty of the Government again to sequester the property of King George, and not to pay one thaler of the revenues until the other party resolves to keep the treaty as honestly as we.”

At the conclusion of the debate the bill was passed unanimously.

On the 26th February the matter was again discussed in the lower chamber. Mr. von Kardorff on that day made the following interpellation: —

“According to the accounts published in the public press, King George V., immediately after the treaty between him and the Crown of Prussia had been sanctioned by the

Prussian Landtag, addressed a speech to a deputation of his former Hanoverian subjects, in which he held out a prospect of his speedy restoration to the Hanoverian throne and the reestablishment of a free and independent Hanoverian kingdom.

"At the same time all the public papers report, that the number of Hanoverian deserters who endeavoured to form a Hanoverian legion in Switzerland, and afterwards retired from thence to Alsacia, is constantly being increased by means of unlimited agitation, wild promises and plentiful pay.

"I take the liberty of asking his Majesty's Government

if, in spite of the aforesaid defiant expressions and the facts which militate against the present state of things as established by law, they intend to grant King George those advantages which would arise from the treaty coming into force by its publication in the collection of laws (Gesetz-Sammlung).

Berlin the 25th February 1868."

When putting this question, Mr. von Kardorff reviewed the sentiments and political reasons which had induced the majority, with heavy hearts, to grant the exorbitant sum of 16,000,000 thalers, reasons whose weight would not perhaps in itself have been sufficient to convince the majority, if Count Bismarck had not declared in the most positive manner that he looked on this as a Cabinet question, and that the ministry would stand and fall with the treaties. He then criticised the course of agitation pursued by King George, and stated that the impression made on the country by the declaration of the Minister

of Finances in the Upper Chamber, on the 18th February, that King George should not receive a single thaler as long as this agitation continued, had been much weakened by the current opinion that he had already received his 16,000,000. The speaker intended by his interpellation to give the ministry an opportunity of contradicting these false reports, and thus tranquillizing the country. The fact that all parties in the House supported the interpellation was a sign of the feeling of the country on the matter. The endeavours of the government to fulfil the treaties in the most faithful and exact manner were worthy of all respect, but if, in consideration of the Hietzing agitation, they were to tear the treaty and throw it at the feet of King George, the country would view the act not with apprehension, but with universal rejoicing.

The Minister of Finances Baron von der Heydt replied to this: — “When his Majesty’s Government concluded the agreement with King George, on the 29th September of last year, they did not believe that they had gained from the king a definite acknowledgement of the results of the treaty of Prague, but they thought they had a right to suppose that in signing the treaty he had at least engaged to discontinue hostilities against the Prussian State. It could not be the intention of the contracting parties that the Prussian state should furnish King George with the means of carrying on hostilities against Prussia. And if, soon after the conclusion of the treaty, the increase of the agitation originated in Hietzing gave rise to the supposition that King George intended to disappoint these expectations, his Majesty’s Government did not on that account cease from their endeavours to gain a legal security for

the agreement in question and for the compensation therein granted, by obtaining the sanction of both Houses of the Landtag, in order that they might come to an understanding with King George or with his heirs. In spite of this King George has, as far as lay within his power, continued the hostilities. He has not ceased to form Prussian subjects, whom his agents had enlisted and in some cases instigated to desert, into troops of soldiers, with the express intention of employing them on the first favourable opportunity in hostile acts against Prussia, in order to separate a province from that state. He has given them a military organization, furnished them with officers, corporals and sergeants, and had them drilled for service against their own country. The official and pecuniary intercourse between these troops and the courtiers of King George at Hietzing is officially ascertained; and King George himself in public expressions which have become notorious, has acknowledged his sympathy with the opposition to Prussia which lies at the root of these intrigues, and has animated his partisans to continue it. His Majesty's Government recognize that it is a duty imposed upon them by their care for the tranquillity of the country and the peace of Europe to put a stop to these proceedings, and at any rate not to further them in any way. In this spirit, even before the late events in Hietzing, they had endeavoured, by the influence of friendly and kindred courts, to induce King George to adopt a course of action suited to an honourable and faithful acceptance of the premisses under which alone the signature of the treaty of the 29th September was possible. The friendly services his Majesty's Government requested for this purpose were readily granted, and we believe that it is a consid-

ration due to the courts in question that we should await the result of their efforts. Should the Government fail in securing, by these means, at an early enough date, such securities for the future as their past experience of the course of action pursued by King George renders necessary, their conduct will be guided by those duties which their responsibility for the safety of the country and the peace of its inhabitants impose upon them. The Landtag will doubtless respect the considerations which prevent his Majesty's Government from entering on such a legal course against King George as would immediately result in the sequestration of his property. We should in this case prefer a legislative remedy, so that the whole property of King George might be held as security for the expenses of observation and defence, as well as for the consequences of the treasonable enterprises of this Prince and his agents. If this should occur during this session of the Landtag, the Government intends to submit a bill on this subject to your consideration. Should the present session conclude before that moment has arrived, we hope that the arrangements we may be obliged to make to ensure the public security will meet with the approval of the Landtag when it again assembles."

This declaration gave universal satisfaction.

After the Landtag of the Monarchy had been prorogued on the 29th February 1868, the following law was published on the 3th March 1868.

**Law respecting
the payment of the compensation granted to King
George and Adolphus Duke of Nassau.**

We, William, by the Grace of God King of Prussia, &c., with the consent of both Houses of the Landtag, decree what follows.

The payment of a compensation of 16,000,000 thalers to King George and 8,82,110 thalers 1 sgr. 6 pf. to Adolphus Duke of Nassau from the credit opened in accordance with the law of the 28th September 1868 respecting the extraordinary expenses of the army and navy, and the dotation of the Treasury (*Gesetzsammlung*, p. 607) is granted on the bases of the treaties of the 18th and 29th September 1867, provided the consent of the Landtag be obtained to the special arrangements and definite understanding mentioned in article 4 of the treaty concluded with King George."

At the same time the following Report of the whole Ministry to his Majesty the King, on the subject of the Sequestration of the property of King George, was published in the Prussian *Staatsanzeiger*.

Berlin, 2d March, 1868.

To his Majesty the King:

"When the Ministry most respectfully recommended to your Majesty for ratification the arrangement concluded with King George on the 29th Sept. last, they were well aware that a definitive recognition of the Peace of Prague, and of the new state of things in Germany established by it, was not obtained by us on the part of King George. Notwithstanding, the Ministry advocated the acceptance of the Convention by your Majesty, because it is implied, by the very nature of an arrangement, that hostilities on the side of one contracting party against the other cannot for a moment be thought of. With-

out assuming that a peace existed *de facto*, as a natural consequence of the treaty, the generous concessions of your Majesty could neither have been made nor accepted. Any other conception of the Convention is quite inadmissible. With this conviction Germany and Europe have welcomed the conclusion of the Convention as a surety for peace and tranquillity; the Parliament of the Monarchy has given its consent to the treaty, and approved of the application of the necessary sums of money to insure its execution; and finally, your Majesty has given it your royal sanction. King George V., in affixing his signature, has virtually acknowledged the necessary presumptions and conditions, as well as the necessary consequences, before all Europe.

The Ministry is now obliged to acknowledge that these presumptions and conditions have not been fulfilled by the other contracting party.

King George has, since the complete acceptance of the Convention, and notwithstanding the commencement of its execution on our part, not a moment ceased to act aggressively, to form military corps of subjects of your Majesty, enlisted by his agents and partly seduced by them to desert. These troops have received a military organization, have been supplied with officers and under-officers, have been drilled on foreign soil for service against their native land, and with the intention, at the first favourable opportunity, of endeavouring to wrest from Prussia one of her provinces. The official intercourse between these bodies of troops and the officers of the household of King George in Hietzing, the despatch of orders, and the forwarding of money from that place for the payment of the soldiers, have been proved by irrefutable evidence. King George him-

self, in a public discourse which has obtained much notoriety, announced his complicity in the designs concocted against the Prussian State, and put into execution by his own household: he encouraged those concerned to continue their efforts, and endeavoured to shake the fidelity of your Majesty's subjects.

The hopes that King George would be accessible to the advice and admonitions of friendly Courts, and that, respecting the moral obligation imposed on him by the Convention, he would suspend hostilities and dismiss the soldiers he had enlisted, have not been fulfilled.

The Government of your Majesty, responsible as it is for the security of the country, sees itself therefore obliged to make use of the means within its reach to insure the safety of the territory and the repose of the inhabitants of the State.

A judicial inquiry against those persons, whose official and directing intercourse with the leaders of the troops enrolled for service against Prussia has been clearly proved, and a bill of indictment against these individuals, have been decided on.

The laws of the land would permit us to include, in a public prosecution for actions tending to sever by violence a province from the Prussian State, the ex-King of Hanover himself. The immediate consequence of this would be the seizure of the entire property of King George. The Ministers believe they justly interpret the magnanimous sentiments of your Majesty when, taking into consideration the former position of King George, they refrain from recommending such a course to your Majesty.

The renunciation of judicial proceedings, however, imposes on us the necessity of rendering, in some other way, the ample means placed at the

disposal of King George innocuous to the State, till we have obtained such securities for the attitude of the ex-King towards Prussia as his conduct hitherto has proved to be indispensable.

King George has given us clearly to understand, by his actions, that he desires himself to be considered as still at war with your Majesty. It is incompatible with these relations that Prussia should furnish the means of carrying on war against Prussia.

The Ministry believes itself therefore compelled to propose most respectfully to your Majesty to place under sequestration, by a legislative act, the entire property of King George V., and to hold the same as impledged for the safety of the Prussian State against the attacks with which it is threatened, and for all the consequences of the rash enterprises of this prince and his agents, as well as for the costs of all defensive measures taken by the State, without, however, invalidating the rights of the entire House of Brunswick in the substance of the princely entail, which rights are independent of those of King George as the present usufructuary.

The act which your Ministers propose for the approbation of your Majesty is demanded, they believe, not only by their duty to the country, but also by the danger which any hostile attempt against an individual state would have for the repose of Germany and the tranquillity of entire Europe.

As circumstances have not permitted your Ministers to lay before the Parliament of the Monarchy an appropriate bill in the present session, they humbly request your Majesty to graciously invest the accompanying ordinance with the force of law till a

corresponding Bill can be laid next session before the Legislature.

Count Bismarck; Baron v. d. Heydt; Count Itzenplitz; v. Mühler; v. Selchow; Count Eulenburg.

On reception of this report his Majesty the King issued the following Ordinance, dated 3th March 1868, regarding the Sequestration of the property of King George.

We William, by the grace of God King of Prussia, &c. on the proposition of our Ministry and in accordance with article 63 of the Constitution of 31th Jan. 1850, order:

§ 1. All objects of value mentioned in the Convention of 29th Sept. 1867 concerning the property of King George, which have not remained in the possession of the Prussian State, together with the revenues of the same, more especially the interest due but as yet unpaid, as well as all interest falling due hereafter, are hereby laid under sequestration; likewise, all other property of King George within the Prussian territory, not comprehended among the above-mentioned objects, and without distinguishing whether such objects have or have not been alienated, since the 29th Sept. 1867, by any dispositions of King George, such as sale or cession, to third parties.

§ 2. The objects of sequestration mentioned in § 1., so far as they are not already in Prussian administration, according to the Convention of 29th Sept. 1867, shall be taken possession of and controlled by the authorities to whom these functions appertain.

In the exercise of the rights of proprietorship with regard to these objects, King George shall be represented by the administrative authorities, with

full legal powers. All unpaid claims, as they fall due, shall be recovered by the administrators.

From the objects sequestered and the revenues accruing from the same shall be deducted the costs of sequestration and administration, excepting those attending the preparation of the accounts, but including the expenditure necessitated by measures of vigilance and defence against the designs of King George and his agents. All sums remaining over and above shall be added to the capital of the property of the ex-King.

§ 3. All dispositions made by King George, affecting the objects placed under sequestration, especially the sale or cession of the same, possess no legal efficacy whatever.

Payments made in contravention to the sequestration are to be regarded as non-existent, and claims for compensation by reason of such payments made after the publication of the present ordinance, shall be treated as unfounded. The delivery of objects subjected to sequestration to King George, or in compliance with his orders, shall oblige the parties so acting to make complete restitution.

§. 4. The removal of the sequestration shall be effected by an ordinance of his Majesty.

§. 5. The execution of the present ordinance, which comes into force this day, is intrusted to the Minister of Finance.

In testimony of which we affix our Royal Signature, and confirm it by our Royal Seal.

Done at Berlin, 2d March, 1868.

(L. S.)

William.

Count Bismarck-Schönhausen; Baron v. d. Heldt; Count Itzenplitz;
v. Mühler; v. Selchow; Count Eulenburg; Dr. Leonhardt.

This ordinance was presented to the Parliament, and first to the Lower Chamber, for acceptance, in accordance with Art. 63 of the Constitution, at the opening of the session, on 6th Nov. 1868. The consideration of the matter was intrusted to a commission, which discussed it in several sittings, and declared his Majesty's Government *formally* justified in issuing such an ordinance. In examining the *material* state of things reference was first made to the Hanoverian legion formed by King George and his agents, and destined to rend by violence the province of Hanover from the territory of the Prussian State. On the subject of this legion the Dutch Minister of Justice Borrel, in reply to a question of Deputy Dullert in the Lower Chamber of the Dutch States General, gave the following particulars:

"It had come to his knowledge", he said, "that by the confession of an officer (first lieutenant) who seemed to be the chief of the enterprise, these Hanoverians had come to Holland to constitute a free corps, with the intention of attempting an invasion of Hanover should political difficulties arise in Europe, more especially between France and Prussia. The project seems indeed to be given up since the prospect of a war between France and Prussia has disappeared, but this does not exclude the supposition that at the slightest new complication — a thing not at all impossible in the present state of the political world — the plan will be taken up again. That such a plan existed has been repeatedly avowed by these strangers. The officers had shown no inclination, when our desire that they should leave Holland was intimated to them, to accede to it; though their countrymen residing in other

parts of Holland seemed disposed to do so. The latter, however, considered themselves and their fellow refugees bound by the commands of the ex-King of Hanover, that they should remain till farther orders in Holland." (Stenographic report of the transactions of the Lower Chamber of the States General, p. 1229).

"Another officer of the former Hanoverian army, who introduced himself as a captain and adjutant of the King of Hanover, had in an audience which he had sought and obtained from him (the Minister of Justice), not denied the accuracy of the previous statements regarding the object of the Hanoverians in coming to Holland. He (the Minister) observed to this officer that the attitude of the Dutch Government towards a band of foreigners united for a special and acknowledged purpose, must be necessarily quite different from that which they would assume towards mere private individuals; he (the Minister) had therefore intimated, that consideration for Holland should induce the Hanoverians not to stay too long in the country, in order not to place Holland in an awkward position. To these representations also the officer did not attempt to reply, and promised to use all his influence to induce his countrymen to leave Holland."

This captain and adjutant of the ex-King of Hanover, mentioned by the Dutch Minister, was, according to evidence adduced in the judicial inquiry hereafter mentioned; the former Hanoverian captain v. Düring, who had left Hietzing in April 1867, and had gone by way of Paris to the Hague. There were then laid before the Commission, on the part of his Majesty's Government, the reports of the Court of Justice in two judicial inquiries, one of which

referred to 7 officers of the former Hanoverian army (Captain von Düring and companions), whilst the other (against Ackermann and others) concerned several persons who were accused of being recruits or recruiting-agents for the so-called Hanoverian legion. Letters were produced, and their authenticity proved, written by several legionaries at the time of their residence in Holland, and the contents of these perfectly correspond to the delineation of the legionaries already given, and prove the firm belief of the writers, that on the anniversary of the combat of Langensalza, the war against Prussia would be renewed, and King George would again enter into Hanover in triumph.

Shortly before, the captain of the palace, Count Alfred v. Wedell, one of the accused in the action against v. Düring and companions, had written from Hietzing to his wife, on 11th May 1867: —

“In spite of the Conference and Luxemburg, I do not believe that peace will last long. This might disappoint expectations disagreeably.”

In the act of accusation of the Attorney General in the prosecution of v. Düring and companions, it was also mentioned, that according to a report of the Prussian ambassador at the Court of Vienna, dated Vienna 12th May 1867, 50,000 Chassepot rifles had been ordered in a small-arms' factory there, and that it was found the order had come from the former first lieutenant v. Holle.

Whilst by these facts judicially proved the formation of the legion and its destination for a attack on the territory of the Prussian State, with the intention of separating from it by violence the province of Hanover, were placed beyond doubt, the Commission regarded it as notorious, that the legion,

after leaving Holland, first went to Switzerland and afterwards to France, where it is still kept up at the cost of King George. There can be hardly a doubt that a criminal procedure against King George would be perfectly justifiable, but its admissibility does not absolutely imply the necessity and the opportuneness of such a measure. In this respect the views expressed by his Majesty's Government, in a report to the King dated 2d March 1868, are better suited to the circumstances. Undoubtedly there is a breach of the Convention on the part of King George, who has acted contrary to those presuppositions which determined the Prussian Crown to conclude this Convention, and which King George knew, and could not but know, exercised a deciding influence on its termination. Besides, the present state of things is by no means identical with that which existed when the Convention was approved of on 29th Sept. 1867 and in the discussions of the law of 28th Feb. 1868. For only at a later period were the enrolments for the so-called Hanoverian legion legally proved and confirmed by a judicial decision, and after that time up till the present moment the legion has existed and still exists, as well as the activity of the Hietzing Committee, and the agitation of the Guelph agents in every point in Europe. Likewise, at the time the matter was under consideration there was still a hope that the mediation of friendly and related Courts might be resorted to with success.

In the presence of these hostile attempts on the part of King George and his agents, endangering the political or territorial existence of Prussia, the Government of this country is justified in adopting preventive and defensive measures, and such a course

is more than a right, it is a duty. These acknowledged principles of the rights of nations, uncontested from the earliest times up to our own days (*Heffter, Europäisches Völkerrecht der Gegenwart*, 1867, §§. 29, 30) include the right of a people to guard their integrity and independence, and their application in the present case is the more urgent that the enmity and the direction of the enterprises of King George leave no room for doubt; that they have been publicly acknowledged by himself, his connexions and agents; and an attitude was assumed by the ex-King towards Prussia, which is significantly described in the report of the Prussian Ministry of 2d March 1868, as indicating a desire on his part to be regarded as still at war with Prussia.

In the opinion of the Commission, the seizure decreed by the Government, and the legal continuation of the same, were the more imperative as King George was enabled by the very large amount of the indemnity accorded him to expend large sums on his hostile designs, whether this money was employed in founding and subsidizing organs in the press, in paying agents of all kinds in various parts of Germany and other countries, or in recruiting and maintaining a legion.

Not only those who had formerly spoken against granting this compensation to King George, but even the warmest supporters of that measure, declared their conviction that under the actual circumstances it would be inexcusable to leave these rich resources, furnished by the Prussian State and the Prussian people, in the hands of a prince who turns them against the integrity of the same state, and employs them for the continual perturbation of the same people. And not only are these enterprises a menace and a

danger for the State, but, as has been shown in the prosecutions of which we have already made mention, a large number of Prussian citizens from the province of Hanover have rendered themselves liable, by entering the Hanoverian Legion, to grave penalties, and plunged their families into sorrow and anxiety. It is an obligation of the State to protect its citizens, as far as in it lies, from such a calamity.

All these considerations, which made it evident that the Commission attributed to this question less a financial or a judicial character than a purely political one, were shared by those who were in favour of deducting from the property seized only the cost of a vigilant supervision and defensive measures, leaving the surplus, if any, to increase the capital; as well as by the advocates of a severer repression, who proposed to hand over at once the entire revenues to the receipts of the Prussian State.

The supporters of the first view started from the premisses, that it would be sufficient for all purposes to subtract from the entire amount seized, merely the expenses attendant on the administration of the property, and the taking of such steps as prudence might suggest and self-defence require. This would be sufficient, because no limitation in the choice and extent of the measures which might be considered expedient would be imposed on the Government; there would also, in this case, be no prejudice to private rights, because only the cost of measures necessitated by the conduct of King George would have to be defrayed by him; farther, this course would preclude every suspicion that Prussia was turning to account the opportunity offered to obtain for herself a financial advantage; and finally, the impression made on the public at home and in other countries would be

stronger and more favourable to Prussia, if the Government did not go one step farther than the circumstances absolutely required. The right of adding the entire revenues to the income of the Prussian State was not contested, but it was thought by no means impossible that their seizure to this limited extent might produce the desired result, and should this not be the case, it might be left to later consideration and legislation to supplement the measures that were about to be introduced.

The defenders of the second view were persuaded that the Prussian Crown was entitled unhesitatingly to cancel the Convention "by reason of a change in those circumstances which, when the Convention was concluded, were to be regarded as forming a tacit condition, according to the recognised intention of the party bound by the treaty." The grounds for rescinding this Convention, they maintained, are recognised in the laws of nations. (Heffter, p. 184.)

It was also contended, that by another principle of the same laws Prussia was bound to annul the compact, as to hold by the Convention in the face of the inimical machinations of the other contracting party would conflict with the duties the State owes to itself and the welfare of the people it governs.

Whilst the right of Prussia to withdraw from the Convention with King George was thus vindicated, the consequence was at the same time drawn that in this right the competence was included to throw into the general funds of the State the revenues payable by the stipulations of the Convention. The use to be made of this competence must be settled by considerations of expediency.

On the one side, the prospect would be removed from King George of ever obtaining payment of the

revenues paid into the Prussian national purse, or of any surplus that might remain over and above the costs, and the only chance of his again coming into the enjoyment of his revenues would be the removal of the sequestration and consequently his certain and definitive desistance from all hostile undertakings; on the other side, neither the State in its action nor the representation of the country in its control of the Budget, would be unduly restricted; a legal title would be given, as well as the expectation founded, that in pouring the entire revenues as income into the funds destined for the economy of the State, sufficient funds: a) for the cost of administration; b) for the measures of vigilance and defence, would be placed in the Expenditure at the disposal of the Government.

After, however, this second and severer proposal had not obtained the majority in the Commission, the first and milder one, embodying the wishes of the Government, was adopted by an overwhelming majority. Several amendments proposed were rejected, and only one essential modification was carried, affecting par. 4 of the ordinance, and which reserved the removal of the sequestration for a legislative enactment, instead of an ordinance of his Majesty; though the latter was to be considered sufficient with *bona fide* assignees.

Debate in the Lower Chamber.

On the 29th Jan. 1869 the Sequestration-Bill was debated in the Lower Chamber. In the general discussion, the deputy for Meppen, in the province of Hanover, Mr. Windhorst, spoke against the Bill, and believed that from considerations of both public and private right he must dispute the competence of the House to determine the question now before them; he maintained, the stipulations of the Convention of 29th Sept. 1866 were of a purely private character; and contested the existence of an agitation set on foot in Hietzing and dangerous to the State.

The President of the Ministry, Count Bismarck-Schönhausen, replied:

"I reserve for a later period of the debate to oppose the actual political situation to the legal theories of the last speaker. For the present I shall restrict myself to completing the materials for farther discussion by a few communications which I regret not having sooner made, as in that case the gentleman who last spoke would have suppressed many of his doubts. The speaker considered problematical the existence of the Hanoverian legion, and he also maintained that besides being organised, it should likewise be armed, in order to represent a military corps. I think that, if we except the previous speaker, no other member of this assembly feels any doubt whatever on this point, and I scarcely expected I should be called on to furnish proofs. You will recollect having seen in the newspapers, for much that is contained in the newspapers is true, though not everything, that this legion at a particular time went to Switzerland, and from that to

France, as an organised military body, having been previously furnished with Austrian passports, o which the Austrian government denied all knowledge, and which, as it appears, had been sold by an understrapper to the Court of Hietzing. This apparition on French soil has been the subject of repeated correspondence between the North-German Federal Government and the Imperial Cabinet in France. The French government did not think it ought to refuse the right of asylum to these strangers which it had always freely accorded, but on the other hand it perceived that a troop of military, with officers at its head, and united for drill, could not be tolerated in the territory of a state, when these demonstrations were intended as menaces against a neighbour with whom that state was at peace. The French government ordered, therefore, that these men should be separated from their officers, and divided into smaller sections. In how far this was accomplished you will learn from some facts which I am about to communicate to you. First of all I will acquaint you with some particulars regarding the number of the Hanoverians at present in France, furnished by the Prussian ambassador in Paris, according to which the legion contains at this moment about 1400 men. I have farther a communication from Switzerland, apprizing me that a well-known agitator in that country, who is in direct correspondence with Messrs Meier and Frese in Stuttgart, had undertaken to complete the Hanoverian legion in France by recruiting Polish emigrants, but that this had been unsuccessful, as the Poles were unwilling to embark in such an adventure; so that he was able to furnish only 12 Polish volunteers,

who were also duly *delivered*, to use the commercial term, in Paris.

"Another and more detailed account of an agent who had been admitted into the ranks of the legionaries, and for aught I know may still be among them, treats of that part of the Hanoverian legion which is at present quartered in Amiens. This person learned from the soldiers themselves — for each of these strangers is inscribed on the police-lists as *soldat hanovrien* — that the number was only between 900 and 1000. But the company is here somewhat disorganized, and the men are not quite trustworthy in their estimate. Their connexion with each other is kept up solely through the officers and under-officers. The respected member will therefore observe that one of his preliminary conditions, military organization, still subsists. That the men are not armed we owe to France alone, and not to the goodwill of the legion and those who dispose of it; if they were permitted to carry arms, there is no doubt they would have them.

"The legionaries quartered in Amiens were able to state with certainty that divisions of them lie in Beauvais and Orleans, others for the moment in Rouen, Evreux, Orleans, Melun, Epernay and still nearer Paris. In Epernay, Fishet and Dormans, many of them maintain that their comrades have been transferred to other places. Only the corporals seem to have full information on the subject.

"With respect to the organisation, the soldiers are distributed by regiments in the above-mentioned towns; that is, those who in Hanover served in one regiment, and those who are to be enlisted as recruits for the same regiment, are placed together in a single town; for example, the Jäger regiment

lies in Amiens, and the body-guard in Orleans. The 6th and 7th infantry regiments are said to be very numerously represented in the legion.

"With respect to leadership, the division in Amiens is under the command of nine corporals. The officers live in Paris, and come only from time to time to bring the corporals the pay or to make a speech to the soldiers: this is generally done by Lieutenant Harling, not Hartwig. Lately these addresses have been very encouraging — (this account is of pretty recent date) — and the men have been told that the fulfilment of their hopes is at hand, which they interpret as meaning that there will be a war in the spring.

"Among the different papers I have seen a billeting list, and found that the men were entered upon it as *soldats hanoviens*, and that they were mostly between 19 and 28 years of age.

"The privates, who are paid every five days, receive 2 francs 25 cents. a day; the corporals 5 francs. They say that as yet the pay has regularly arrived. In the taverns which they frequent, however, it is said that of late they have often been unable to pay the reckoning.

"Now if we make an approximate calculation, and take only a force of 1000 men, the lowest estimate, and do not reckon the detachments in London and America, which are probably smaller, there is still the full pay for 1000 men at $2\frac{1}{4}$ francs a day, exclusive of that of the corporals and officers — all more expensive than in a regular army — and to this we must add general expenses. This calculation will give a sum total of about 300,000 thls. a year spent on military purposes alone. I believe you will agree with me that it is well to stop the source

whence these 300,000 thlrs. flow, or at least not to feed it any longer from the Prussian Treasury. But I will not anticipate.

"Their employment is principally to loiter about. A few of the men found occupation in their trade, in consequence of which their pay was reduced by 75 centimes per day. This reduction was not calculated to stimulate them in their search for employment, and the demoralizing influence of this course of life on the young Hanoverians who submit to it is therefore increased. Several of them have lately taken lessons in French, and I believe we may assume that through official recommendation they receive these lessons *gratis*.

"When the weather is good, the men are drilled by their corporals without weapons. These evolutions take place every other day from 8 till 12 o'clock on a common which lies near the town, to the south of the road that leads from the suburb St. Maurice to a neighbouring village, a retired drilling ground surrounded by high poplars. Hence the evolutions they go through in that place excite little attention. The Hanoverians are also ordered not to go there by the high-road but by a foot-path through the fields.

"The prospect of soon returning triumphantly to their native country has been held out to these men, and their pay has been assured to them as long as they remain faithful to the king.

"When you speak with the men individually you can perceive that they have lost belief in the restoration of their king, and that they would willingly return home, if they felt sure of escaping punishment. They correspond at present more frequently with their relations in Hanover, and they receive

from the latter continual admonitions to return and give up a lost cause. In their intercourse with each other they simulate unbounded confidence in the ultimate triumph of their party, for they are afraid of saying what they really think, lest their opinions should be reported to their corporals. Those who have presumed to say they should like to go back to their native land are immediately denounced by the corporals to the French police, and forthwith conducted by a gendarme to the nearest point of the frontier. When a man is thus pointed out to the French police, and virtually expelled from the legion, the source of his support is supposed by the local authorities to be cut off, and if he cannot at once produce evidence that he is in employment, he must quit the country. This severe measure was not taken for the purpose of favouring the cohesion of the legion; it is only the natural consequence of the French laws on vagabondage. The men cannot tell who defrays the expense of these removals, nor is it of much importance in comparison with the fact that these costs are borne by some one.

"The gentleman who spoke before me has also completely set aside the Committee in Vienna of which I spoke on a former occasion, because he had lost sight of the Dane of whom I had at the same time made mention. I have discovered that this Dane was a Schleswig-Holsteiner; you will acknowledge that we have seen Schleswig-Holsteiners among us, at least in the Reichstag, who at first sight were not easily distinguished from Danes, and the error is therefore a venial one. (*Laughter. Allusion to Deputies Ahlmann and Kryger.*) I never once imagined that he was an agent of the Danish govern-

ment, just as I did not take certain republicans from Stuttgart for agents of the Wurtemberg monarchy.

"With respect to the representative of Hesse, in other circles the attempt has been made to make him vanish too, as that gentleman, the former adjutant of his Royal Highness the Elector, Mr. von Eschwege, has been represented to me to be a Hanoverian Eschwege. I know no Hanoverian Eschwege; and the Hessian Mr. von Eschwege has been pointed out to me as the one who was formerly in the personal service of his Royal Highness the Elector. Even if there were a Hanoverian Eschwege the case would not be altered; the family is to be found perhaps in both countries, but at any rate it is at home in Hesse. For the present, I will only make this statement of facts, and I intend at a later period of the debate to return to the juridical bearings of the case from a political point of view."

Deputy Haack next spoke in favour of the Bill, and explained that the Government laid claim to the minimum only of the rights they possessed according to both civil and international law. The Deputy, in concluding, declared himself opposed to the amendment of Dr. Virchow and Bender to the effect that the House should leave it open to his Majesty's Government to rescind the Convention with the ex-King of Hanover, in case of proof of a wilful breach of the stipulations therein contained.

The Prime Minister again rose and said:

"My attention has been directed to the fact, that since the celebration of the silver wedding in Hietzing a considerable time has elapsed, and that in consequence the weakening description of the circumstances attending it by the first honourable speaker would perhaps not find sufficient contradiction in

the memory of the audience, and that it would be recommendable once more to bring before the House the events which took place at the time, more especially because these events, which immediately followed the granting of the compensation, in addition to the continuation of the legion on the disbandment of which the Government had counted, first and mainly, though not exclusively, gave rise to the idea of sequestration on the part of the government. I therefore deem it my duty to refresh your memory regarding the events alluded to by the report of an eye-witness, first reading an extract of a speech by King George at the time, as reported by the Vienna Press, because this report has to do with the speech. These words are the conclusion of a toast. I omit the first part because it does not speak so pointedly in the same sense. The peroration is as follows: 'I ask you to drink to the re-establishment of the Kingdom of the Guelphs, the throne of the Guelphs, and my return among you. May God grant a speedy restoration to the throne of Hanover, my return to a people whose fidelity and attachment will be an example to all the nations upon earth. A cheer for a speedy meeting again in the Kingdom of the Guelphs.'

"The same theme is dwelt on in different words in the first part of the toast. It is referred to in the account given by an eye-witness, dated the 19th of February 1868, who reports as follows: 'The deputations from the towns and all classes of people in Hanover were received by King George and the Royal family in full Court gala at Schoenbrunn from 10 till 5 o'clock. All were listened and replied to circumstantially. Hopes of meeting again, of the speedy re-establishment of the throne and kingdom

of the Guelphs, and faithful adhesion and constancy formed the main import of the replies. From 7 o'clock in the evening some thousands of persons, mostly Hanoverians, but also many invited guests, amongst whom were also some strangers from Vienna, as for instance both the vice-mayors (the mayor himself being sick) newspaper reporters, and different persons belonging to the military and civil service assembled at the "Kursaal." At half past 8 o'clock the Court appeared, and was received by the singing of the national hymn, but, what is rather remarkable, by no cheering. After he had gone several times through the three large rooms, the King, with the Queen, the two Princesses, and the Crown Prince moved in all directions through the throng of "faithful Hanoverians". Those who stood nearest had the honour of being presented, were thanked for their presence, and dismissed with a gracious hope of seeing them again. I was also presented. Then King George with his suite placed himself in the centre, and delivered a speech, the best report of which has been given in the "Presse", though after all it was only a summary. The expressions of the original were much more forcible. The king called on the Hanoverians faithfully to support him, and in unison with him to work for the restoration of Hanover and the Kingdom of the Guelphs. This speech was followed by enthusiastic cheers and applause, and afterwards the conversation with persons of all conditions was continued. Especially with farmers and tradesmen the King and Queen warmly shook hands, and exhorted them to firmness and constancy, &c. An old veteran of 78 years from Osnabrück, who was considerably excited by the champagne, solemnly protested he would restore the king. The old man was very childish; the king

shook hands with him and said among other things: "I knew you again directly."

"Several Hanoverians known to be 'Prussians' intended, as I have been informed, to join the company; some actually did so, but were well watched. One of them was turned out at Domayer's where the Hanoverians had met, another at the *Kursaal*, where a strict supervision had been established. On the latter occasion Count Wedell condescended to put out the unwelcome visitor with his own hands."

The next speaker, Mr. Schulze-Delitzsch, Deputy for Berlin, considered the facts of which the Government was in possession were of such a nature as to justify the rescinding of a Convention, by the State, against which he and his political friends had protested. He wished to present an amendment, that on the one hand, the House should refuse its approval to the ordinance of 2d March 1868, and on the other, call on the Government to annul the Convention with King George, and leave him at liberty to enter a civil action against the Prussian Exchequer. The next speaker, Deputy von Sybel, recommended the acceptance of the Bill with out any modifications, and answered the arguments of Deputies Windthorst and Schulze. Hereupon the Government Commissioner Vollny rose and replied to the objections of previous speakers in the following terms: —

"The two gentlemen who have spoken against the bill and the motion of the commission have on the whole arrived at the same conclusions; they propose that the bill be thrown out and the treaty annulled, and wish the whole matter decided in a judicial way. But the points of view and the expectations of these gentlemen are diametrically opposed to each other. The honourable member for Meppen

is of opinion, that if the judicial way is opened to King George he will obtain all and perhaps more than all that was granted him by treaty; he believes that by this means King George and his House would come into the possession of great landed estates, which would secure him an income higher than that expected from the sixteen millions. The honourable member entertains no doubts as to the result of such a law-suit. The respected member for Berlin has exactly the opposite expectations. The words of his motion, it is true, do not lie before me, but I believe I am right in understanding him to propose, that the Government should rescind the treaties; after rendering account, deliver up the private property of King George, and then wait till legal proceedings are commenced against them. He is of opinion, that if only a part of the facts which are the basis of this decree can be proved, the results of such litigation stand beyond all doubt. You see therefore that the most different views are entertained as to the consequences of the same measure, the one by a celebrated lawyer, the other by a celebrated politician. I believe I can in some respects agree with the honourable member for Berlin; if we follow his motion implicitly there will be no ground of action. The honourable member for Meppen has endeavoured to show that every thing for which an equivalent was granted in the treaty was a part of the private property of King George and of the Royal Family. If he is right in this, and we are to deliver up what according to this definition was private property, we may await without anxiety the decision of the courts, for there is nothing more that they could adjudge to the king.

The Government, however, do not believe that they can accede to the proposal to annul the treaty and await the decision of a court of justice, either from one point of view or the other; because ty is not a question that lies within the jurisdiction of a civil court. The civil law question is here unimportant, and that point of view, as the honourable gentleman who has just spoken has shown, cannot be adopted with regard to the matter, nor have his Majesty's Government ever done this. In this respect the honourable member for Berlin is mistaken. The Government have never entered into a consideration of the legal bearings of the question. It is true, they assented to the explanations of the Commission which aim at showing that the Government have a right to recede from the treaties, but the basis of this argument was not taken from civil but from public law in opposition to civil law. It was argued that a state might recede from a treaty on grounds that would not justify a private man in breaking a contract; namely, when the premisses on which one of the contracting parties had acted were not fulfilled. The Government were able to concur in this line of argument. Its consequences, if carried out to their full extent, would give them a right to annul the treaty, and withdraw the advantages proceeding from it. This was not however their view of the matter, because their decision did not rest on legal but on political grounds. It seemed to them a matter nearly connected with the highest interests of the State and with its weal and preservation, and the prevention of attacks made upon its integrity. Therefore, as has been stated in the Commission and elsewhere, they considered it a question of self-de-

fence, but they believed that their measures should not extend further than the necessity of the case demanded. They therefore resolved merely to attach the revenues of the property, while keeping the treaty itself intact, and they believed it their duty to see that none of the rights gained by third parties or by King George himself were encroached upon. It has been said that the decree is injurious to the rights of third parties, as it will have even a retrospective effect in annulling contracts which King George has already made. The Government are fully aware of the wide operation of the measure, but they have been forced to take this step by an absolute necessity. At the time when the sequestration was resolved on, the revenues of the compensation were many hundred thousands — as far as I can remember, more than 600,000 thalers in arrear. What security had the Government that, after the ordinance had been issued, a cessionary might not appear who claimed this sum. Had any *bona fide* cessionary, who had made a contract with King George, announced himself they would not have hesitated for a moment to grant him the advantages ceded. Till now, that is in the course of nearly a year, no one has appeared who has made any claim based on a contract with King George. This is a proof that no such contracts were concluded, but in that case the measure cannot be blamed as needlessly severe, it was only an act of prudence, the effect of which, according to the state of things, might already have been revoked, and which also according to the proposals of the commission may in future be repealed. With respect to King George, if the Government had a right to recede from the treaty, it cannot be urged that his rights have been

injured when the revenues are attached and employed in measures of observation and defence; more might be legally done, therefore it is a sign of moderation to do the less. When the honourable member for Meppen asserts that the rights of King George are injured, because private property is absolutely sacred, even when it belongs to a prince who occupies a position hostile to the State, this cannot be granted in all its consequences. King George still believes that he is at war with Prussia. All authorities on international law are of opinion, that the private property of a prince who is at war with another state is at least subject to sequestration by the state against which the hostilities are directed.

When, further, the honourable member pointed out that all the facts mentioned in the report of the ministry were known at the time when the treaty was concluded, and led to the insertion of the restrictions of article IV., he may be right, for I do not perfectly remember the exact state of affairs at that time. But does this give the honourable member a right to apply the principle, *non bis in idem*? When the hostilities which it was hoped might be successfully opposed by milder measures are continued, has the right been lost to adopt other and more stringent means, and when warnings have been in vain are we in the wrong if we proceed to sequestration? This cannot be. The principle which the honourable member cited, *etiam hosti servanda fides*, has not been violated. I may call his attention to another maxim lately quoted in this House, *adversus hostem æterna auctoritas*.

In the farther course of the discussion, Deputy von Beesten spoke against the ordinance because he regarded the Convention as a civil contract; and Deputy Dr. Waldeck supported the measure. The latter saw in the ordinance the intention of the Government to partially correct the fault they had committed in concluding the Convention with King George; he declared that while he was opposed to the Convention he would support the sequestration, that the property might not be used for hostile acts against the Prussian State.

The Prime Minister, Count Bismarck-Schönhausen, rose once again, and replied: —

“If at so late an hour I again rise to speak, I only do so with the conviction that I have little to add to what has been already said by the Government Commissioner and the honourable gentlemen who have already spoken, more especially after the gentleman whom you have just heard has proved that when the vital interests of Prussia are concerned the differences of all parties — of all Prussian parties at any rate — sink into insignificance. The honourable gentleman who has just spoken thinks that the fact, that the form of sequestration was published at the same time as the law, is a sign that the ministry repented of having proposed the bill. We will not dispute about words, and I am ready to admit that even when proposing the bill I was fully aware that such a repentance was by no means impossible, but in such a case I reckoned even then on the patriotic concurrence of the Legislation. The conclusion of the Convention, as well as the sequestration of the amount accorded by it, form two links in the chain of a policy of peace which his Majesty’s Government has unceasingly pursued since

1866, and in this policy I even to-day give no mean place to the Convention.

"It was intended to work in three different ways: first of all, on the former subjects of King George. Whatever may now be said of the matter, according to the accounts of the provincial authorities there was reason to hope that it would have a good effect in quieting the minds of the people, and these authorities have often urged his Majesty's Government to take the initiative in this direction, and to endeavour to come to an understanding by means of a law, should it be impossible to conclude a treaty, as many who were satisfied with the political changes, and yet could not but feel a personal sympathy with the fallen King, would be completely reconciled by such an act of compensation. This was one thing which induced his Majesty's ministry to approach the subject. The second way in which it was hoped that the treaty would have a good effect was on the courts allied with or related to that of Hanover. From these indeed came the first impulse, the first introduction of the agents of King George. Though the connexion may be contradicted from Hietzing, it is proved by documentary evidence, by the original letters of the agents of foreign courts. What the purposes of his Majesty's ministry and the foreign cabinets were, may easily be seen from the way in which the amount of the grant was calculated.

"It was asked: What does a Royal Duke of Cumberland require to live in a manner becoming his rank, without awakening humiliating recollections of political misfortune, in the circles of the rich nobility of England? It was said: Taking as our standard the income of the great nobility, he requires

from £ 100,000 to £ 120,000. This was the scale by which the matter has been regulated. It was our intention to provide for King George such an existence as would place him above being tempted to disturb the peace of Germany by dynastic aspirations. We therefore have not attributed much importance to the calculation of the revenues, because it could not be our intention to compensate the king for the value of the objects mentioned to-day. We could, at the utmost, take into consideration those clear revenues which the King of Hanover had at his disposal, and which were considerably inferior to what we offered him. I touched on this point last year, and said I was glad that King George, in signing the Convention, had accepted more than he was strictly entitled to by his former circumstances, because the idea of a present from king to king, of a voluntary liberality in this matter could not well be entertained. It simply concerned a two-sided business-transaction and for the surplus apportioned something in return must be granted. And thus I arrive at the third point in which we considered the Convention conducive to the maintenance of peace, namely at the position of King George himself. — On the first two points I have not been mistaken. That influence which the Convention was calculated to exercise in favour of peace it did exercise. We have testified our good intentions, and friendly courts give us credit for it, just as if the Convention continued to exist. In this respect I feel no regret for having made the Convention. The last calculation has certainly not been justified by the results, and from the first I considered it as the least sure of all. We were not so badly informed that we should have deemed it quite

impossible that, in spite of promises given, in spite of the conclusion of the Convention, in spite of the fact that as the English expression is, he was "bound in honour", King George should totally disregard this moral obligation. We could not expect that the king would pronounce a formal resignation, an abdication "expressis verbis." We had been informed by different friendly governments, that it would be impossible to bring the King so far, but that this was not indispensable. The friendly courts shared our opinion, that even if King George were not willing to renounce the almost impossible chance of obtaining again the kingdom of Hanover, by the aid of a foreign army and a coalition directed against the North-German Confederation, it was not the intention of the Convention, that King George should in such a case renounce his former position, if it were offered to him again by a foreign conqueror. Such pretensions were not implied in the treaty, but what we certainly had a right to expect was, that he should at least abandon the fruitless character of a pretender, and cease to play the sorry part of a prince who continues a war at the head of 1000 or 1400 young men, whom one can hardly say he pays as soldiers but rather hires, whom he withdraws from their regular work and whose future prospects he destroys. That this would cease I had confidently expected, but in that I have been disappointed. I had hoped it in the interest of the Hanoverian youth of the lower class, at present exposed for a money consideration to become a sort of human merchandize, and to acquire permanent and incurable habits of idleness. In my opinion it is not indifferent for a country, that 1000 young and vigorous men should be seduced from their homes

and abandoned in the prime of life to sloth and its concomitant vices.

"I have not felt astonished — for such acts are less recognisable and therefore less deserving of punishment — if the Hanoverian party in the press seeks an alliance on every occasion with all the elements which are hostile to a consolidation of the existing state of things; when it hires with the means at its disposal, whether accruing from the compensation or other sources, all the intriguers and venal pens in Germany. Such things easily escape control and positive proof. On a league with all the enemies of German unity, whether arising from the fact that it is a *unity* and as such is to be combated in particularist interests, or whether merely because it is a *monarchical* unity — on a union with all the enemies of religious peace in Germany — on all these alliances I lay little weight. I shall only dwell on the one well-defined fact that King George maintains a legion for the purpose of invading his native country with the aid of foreign powers, as soon as a chance offers of throwing this legion into the balance. Peace is systematically and insidiously represented as uncertain, as exposed to continual interruption, and that confidence which is necessary for the welfare of states is destroyed. All these projects are well known to us; the plans are too transparent, and although the evidence may not be such as to triumph over the quibbles of lawyers, and although they have been published in the newspapers, they are not the less true for that. (Laughter.) I repeat then, I insist on the fact that King George kept up a legion, and in doing so acted as a belligerent prince. This circumstance in itself gives the government an indubitable right to defend itself, no matter whether the attempts

made against it are formidable or not. Our antagonist offers us a weapon ready to the hand, with which we can cut through and destroy the entire tissue he has woven, and deprive him of the sources from which he fed his unworthy intrigues. This weapon we find in the simple but important fact that a legion exists; I require no other proof that King George considers himself a belligerent, and thus morally and materially violates the Convention, and as far as in him lies, delivers his property into the hands of his opponent. The magnitude of the danger is not the question: *principiis obsta!* Self-defence in a judicial sense has been spoken of, but it is so restricted that I may be almost dead before I dare employ it. On this occasion, when we have not to defend our own lives, but to provide for the welfare of a great state, we must not procrastinate till defence is no longer of any avail. I do not limit precaution to the measures necessary to meet an armed invasion; I believe it embraces everything which tends to restore peace and confidence, and to further the well-being of the country. But the cause of peace would not be promoted if we showed in the face of similar undertakings a toleration unworthy of the dignity of a great nation, which would beget a suspicion that we have not the courage to defend ourselves. There is a contemptible toleration that has not the courage to dash aside the point of the sword directed against our breast, but awaits the fatal blow in paralyzed helplessness. We do not desire to sit in judgement on a fallen enemy, but we wish to preserve Germany from injury; we are resolved to put an end to this unjustifiable playing with the repose of a people and the peace of Europe; we cannot permit small and contemptible dynastic interests to disturb the tran-

quillity of Germany, and to expose the honour and progress of the country by conspiring against it with foreign powers."

These words closed the general discussion, as the Reporter of the Commission, Mr. Lent, considered it unnecessary to offer any observations of his own after the full and satisfactory explanations of the Prime Minister.

In the special discussion Deputy Dr. Virchow was the only speaker. He was of opinion that the only way open to the Government was to cancel the Convention, but he did not consider the House competent to judge whether the Government had sufficient proofs in hands of a legal breach of its articles by the other contracting party.

After a brief summing up by the Reporter of the Commission, and the rejection of all the amendments, the original motion was carried, 256 deputies voting for and 70 against it. Nine members did not record their votes.

Debate in the Upper Chamber.

In the Upper Chamber, the Twelfth Commission made a report on the ordinance of the 2d March 1868, on the 10th February 1869. The majority established the fact that by the statement of the Minister of Finances in the Upper Chamber, on the 10th February 1868,

before the treaty had been sanctioned by the Upper Chamber, and before it had come into force, the Government had clearly and unmistakably defined their position with respect to the treaty. They had, in the presence of one factor of the legislation, undertaken an obligation to their own country, not to allow one thaler of the revenues stipulated in the treaty to be paid, in case King George, after the publication of the law, should continue to give expression to his hostility to Prussia in further machinations against the State.

By the issue of the ordinance of the 2d March 1868, the Government had, under the circumstances, simply fulfilled this obligation, which they had undertaken to the representatives of their own country.

The Upper Chamber would have been in a position to make the ministers responsible, if after what has happened, the ordinance of the 2d March 1868, which now awaits the sanction of the House, had not been issued.

The bill in question must be tried by the principles of international law alone, as a treaty of state was the subject of the bill. The public character of the whole matter was clearly proved by the fact, that the greater part of the objects of value ceded had always, according to Hanoverian law, been treated as the property of the state (s. *Die Staatsverfassung des Königreichs Hannover, von Ebhardt. Abschn. I. Kap. 6 von den Finanzen*). It became moreover quite palpable from the position which King George continued to assume, and from the form, means and express purpose of his agitation.

Several other members of the Commission added that they should give the bill their full and unqualified assent; but they would not conceal their opi-

nion, that it contained the very least that the Government could possibly do under the circumstances. They also expressed their regret that, since King George, on his side, had not fulfilled the equitable premisses of the engagement, but had broken them, the Ministers had not annulled a treaty which confessedly gave that Prince, at the expense of the Prussian State, far more than he had ever possessed or had any right to demand.

On particular points in the deliberations of the Commission succinct explanations had been given, both by the Prime Minister Count Bismarck, who attended them, and by a Government Commissioner.

The consideration of the Report of the Commission, in the Upper Chamber, was opened, in a sitting of the whole House on the 13th Feb. 1869, by the Reporter of the Commission, von Brunneck, with a few observations showing that the Bill it approved of was both called for and opportune. The next speaker, Count Rittberg, gave the measure his decided approval, but two allusions made by him called forth the following reply from the Prime Minister, Count Bismarck-Schönhausen: —

"I reserve a closer examination of the subject for a later period of the debate, and am only induced to rise at present by two hints of the honourable member who has just spoken, and with whom I agree on almost all other points, in order that I may define the position of his Majesty's Government with respect to these two points, before the discussion is proceeded with. The first is the connexion into which the honourable gentleman has brought this bill with the deficit in the Prussian finances. I must most distinctly protest against this connexion, and express

my regret that he should have referred to it even in thought. The deficit might have been twenty times as great, and we should have met it, without having had recourse to this purely political measure. The second relates to the circumstances of the Agnates, which I do not view in quite so unfavourable a light as the honourable member, though I may have given rise to his opinion by an expression I used in the Commission; but I believe only because he has not quite accurately retained my words, which in my position I am obliged to weigh very carefully, and with respect to which I must request that none may be omitted.

"I said on that occasion that the Agnates could gain rights, which they did not possess before the conclusion of the treaty of September, by means of that treaty, only in the same way in which third persons in general can gain rights from agreements concluded between two other persons; and I repeat these expressions in full, and will explain them by a remark which I had occasion to make not long ago in a non-official way, and which was to the following effect: — that the steps which are now being taken with respect to the property of King George in no way affects the rights of the Agnates to the same, which are mentioned in Art. 11 of the treaty of the 29th September 1867. This ordinance does not even affect the rights to the capital and estates which were granted to King George by that treaty. His Majesty's Government would not have the power to make any arrangements, with respect to this capital or these estates, without the consent of both houses of the Landtag. The sequestration, which is all that is at present proposed, only concerns the rights of disposal of the revenues, possessed by the present usufructuary King George."

After Mr. Rasch, from Hanover, had spoken against the Bill and Mr. von Bulow in favour of it, Count Münster declared that though he looked on the conduct of King George as treason to Germany, he must vote against the Bill, as he did not consider the matter was in the province of legislation. The Prime Minister, Count Bismarck-Schönhausen, replied to this objection: —

“The feelings which induced the member who last spoke to oppose the bill now presented, and which allow him to take part in this debate only with reluctance, I perfectly appreciate, but I cannot subscribe to the legal deductions he draws. The Convention of September 1867 is both by its form and its origin a state-treaty. It is no duty of my office to countersign a private contract of my gracious Master the King. This convention, you may see, bearing the signature of two sovereigns, countersigned by myself as Minister of Foreign Affairs for this country, has nothing of a private contract in its form, but bears the distinct impress of a treaty, and this is also the character stamped on it by its history. We owed his Majesty King George nothing whatever. The amount of property to be left to a belligerent monarch at the end of a war is fixed by the treaty of peace, and there is no other arbiter. No such treaty of peace had been as yet proposed; an armistice had been agreed on, and it was broken by the other side. That, in my opinion, is the legal view of the question. I repeat, we owed King George nothing; in the interest of peace we have given an example of generosity such as, so far as I know, stands alone in European history. I have never heard that the prede-

cessors of King George, after they had driven the Stuarts from the throne of England, furnished the exiled house with the means of fighting the royal army at Culloden. I am not aware that the various branches of the house of Bourbon, whose thrones were overturned by revolutions in France, Spain and Naples, were accorded, out of the treasury of those states, dotations which they were to retain undisturbed, even should they enlist a foreign legion, or a French or Italian one, in another country, to lead it against their native land. It appears still less probable to me that the Spanish Government will think themselves legally obliged to furnish Queen Isabella with the means of making war on Spain; or that the Bourbons of Naples have been encouraged in their designs by funds supplied by the King of Italy. I mention this that you may understand the contempt with which we have met the moral indignation which has been proclaimed in so many unfriendly quarters, at what they affect to think a violent and iniquitous act against a prince unjustly deprived of his throne. The way in which the history of 1866 is represented to-day is well calculated to shake one's belief in all the narratives of history; when we see with what success fables are invented regarding a period lying only three years behind us, it is hard to believe the relations of events in former times, which partly rest on a foundation of conjecture. When we listen at the present day to the tale of Prussia's treatment of Hanover — and how many readers do not take the trouble of testing it — we should believe that Prussia in 1866 fell on her neighbours like a wolf on a flock of sheep; but what was really the situation before the war? And here observe that things appear very different now

when we look back; every one has now the wisdom of those who give an opinion when all is over: the Prussian victories now seem quite natural, a thing, in fact, that Prussia had foreseen, and which she had taken as the basis of her calculations. That was *not* the general belief up till 3^d July 1866, and it was believed least of all at the Hanoverian court and by Hanoverian politicians. In 1866 the Hanoverian government began to arm much sooner than the Prussian; it was the first, with the exception of Saxony, that began preparations for war, after the Austrian summons of, I believe, the 16th March; and when we desired to know what was the intention of these warlike measures taken at a time when we had not moved a single man, we received the reply, savouring more of jest than of statesmanship, that on account of the expected deficient harvest, it was the design of the government to hold the usual autumn evolutions in the spring. Notwithstanding this bad joke we did not cease to continue most assiduously our negotiations with the King of Hanover; we saw his ominous preparations acquiring more and more importance, and we offered him at the same time perfect neutrality, with the guarantee of his complete independence. At this hour I thank God that our blinded antagonists refused. A North-German Confederation, such as it exists to-day, would have been scarcely possible had the King of Hanover at that time consented to see his perfect independence secured by an international treaty, on the single condition that he should remain neutral, and that he should prove his neutrality by abstaining from all preparations for war. You can comprehend by that how little of the blind confidence in victory was felt by us which at the same time animated our enemies,

when we considered it worth a sacrifice to put it out of the power of an army (a brave one, no doubt) of 20,000 men from operating in our rear. The revelations made, more particularly by Italian publicists, concerning this period, lead us to regard as highly probable that Austria was disposed to abandon Venetia even before the war, and the only question was whether she was to receive a territorial indemnification in Germany for this sacrifice, or whether the compensation was to be paid in money. Had we been conquered — a thing that every one seemed to expect except ourselves — I believe that Silesia alone would not have paid our ransom. I am confident that the restoration of the "Empire of the Guelphs," of the realm of Henry the Lion, embracing the whole Lower-Saxon race, at least on the left bank of the Elbe, was not quite so foreign to Hanoverian calculations, though no doubt an implicit confidence in the triumph of Austria, which even after the battle of Langensalza guided the negotiations of King George, gave the decisive impetus to the policy of Hanover. At all events, previous to the war, the Hanoverian court did not see in us invincible conquerors. On the contrary, it was believed the time was come to draw the net together over our heads; it was calculated that the antifederal resolution of the 14th June would bring an overwhelming force into the field against us; it was supposed that with a mutilated Prussia it would be possible to carry through those German reforms which occasioned the assembling of the Diet of Princes in the autumn of 1863, whilst Prussia unmutilated had been strong enough, by her mere absence, to render this project nugatory. In this question you will concede that I am no incompetent judge, for there is no man in

Prussia who has been longer officially occupied with German politics than myself, and I have had to combat the coalition which opposed us in 1866, confident of victory, in ever changing form since the year 1851 in Frankfort. I first recognised it by the regret expressed that the Peace of Olmütz had been accorded us, that the Schwartzenberg policy had not been carried out with energy and determination; afterwards, by various attempts, sometimes wary, sometimes vigorous, to resume that policy; and finally, in the belief of our adversaries in the superiority of the armed Federal force in the spring of 1866, while they took into consideration merely the numbers of the Federal troops without knowing their composition as well as we did, though this our enemies did not suspect. If we escaped the threatened danger of political extinction, and gained the right of conquerors to regulate our future relations with the conquered, it cannot be said we acquired this right unjustly, after the sword had been forced into our hand, and we had to think on our future safety.

The question which was decisive for us was not whether two millions of Germans more or less were to be added to the Prussian population; it was that of providing for our own security. We learned by experience that we must not leave in a strong military position in our rear such excellent troops as the Hanoverians; the duty of self-preservation forced us, in our own interests and in the interests of Germany, to hinder a recurrence of such combinations; we were constrained by the Hanoverian policy to abolish the Kingdom of Hanover. This could not have been an unexpected result of the war for the Hanoverian statesmen. I had

myself repeated opportunities of discussing all possible contingencies, both with the counsellors of King George in the latter period of his government and also previously, and I always declared with perfect frankness that Hanover had only one safe policy in times of danger, and that was, an alliance with Prussia. Should Prussia succumb in a struggle, Hanover could not suffer much, for it would be the policy of the victor to strengthen, at the expense of Prussia, a state dividing her territory in two. Should Prussia, however, conquer, a Prussian alliance would be Hanover's best protection. No Prussian monarch could infringe the rights of an old ally of Prussia since the days of the Seven Years' War, with which it had cemented the old friendship by new victories. This policy was so plain and natural that only the blindness of passion, the love of power, and dynastic jealousy could point to a different course. When, after the Treaty of Prague, we sought for farther means of firmly establishing peace, we decided on securing a royal house, which had fallen through errors and political blindness, a position worthy of its past history, that it might console itself with the thought that a new life awakes from ruins. The natural position of this house, from which it was removed by the difference of the laws of succession in England and Hanover, seemed to us to be in that country to which the family of King George is united by recollections as glorious as those of 1866 for us, in that country which 200 years ago was torn from a perverse government by the predecessors of King George, by William of Orange at the head of English and German troops; — and among the latter there were also Brandenburgers. We pictured to ourselves King George as bearing the title which still belongs to him, as

Duke of Cumberland, and we felt that he and his posterity ought to receive a dotation corresponding to his rank and family. This was the only consideration by which we were influenced, and not by any respect for the private property of an enemy and belligerent, who has not yet made peace with us. It is now about a year since his Majesty's Government, in the other house as within these walls, used its influence to procure King George an ample allowance. We regarded it as an allowance, for we gave much more than King George had possessed. The doubts expressed in this Chamber with regard to the opportuneness of such a dotation were justified by the simultaneousness of the negotiations with the well-known proceedings in Hietzing and the silver wedding. These doubts had also great weight with the Government; we could not feel justified in placing these resources at the disposal of a prince who treated us as enemies with whom he was at war, and who seemed resolved to play out this part. If, notwithstanding, we did not disturb the legal basis of the dotation, it was in order to leave no room for doubting the sincerity of our desire to make it secure. We did not wish to be reproached with having enacted a farce, and having retreated before any legal conclusion had been attained. What a handle would it not have been for the mendacity of hostile newspapers! We believed it was of paramount importance to place the honesty of our intentions beyond doubt, and we wished at the same time to lay a legal foundation for future negotiations, as soon as King George or his heirs should furnish sufficient guarantees for their conduct. If we have been deceived by the confidence we placed in the honour of

a prince, the confidence that the tacit conditions and suppositions of the Convention would be respected, we were convinced that the legislature of the Prussian state would always be able to avert, by a unanimous decree of its components, the prejudice which a breach of this confidence might bring to the country. That you will do this, and do it with a large majority, I do not doubt, but I have thought it my duty, as a member of this house and as a representative of the Government, to place the whole subject before you in as clear a light as I have been able."

The debate having been resumed for a short time, the Bill was finally passed by a large majority.

His Majesty the King, on the 15th Feb. 1869, decreed the execution of the law enacted by both Houses of the Legislature, and the official publication of the same took place on the following day.

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